Rule 10

CONTINUANCES

(A) Bench Trials - Stipulations:

The court will grant a continuance after a bench trial date has been set upon a stipulation of counsel not less than one day prior to the date set. The defendant must sign all orders of continuance.

(B) Written Motion: Bench Trials -

All requests for a continuance made five working days or less prior to a non-jury trial not stipulated to by the opposing party shall be presented by written motion and affidavit after notice to the opposing party. Twenty-four hours prior notice to the opposing party shall meet the requirement of this sub-section. The court may grant a continuance on a showing of good cause.

(C) Jury Trials:

A written motion and affidavit shall present all requests for a continuance of a jury trial with notice provided to the opposing party. Such motions may be heard at the pre-trial hearing. A continuance will be granted only upon a showing of good cause.

(D) Good Cause:

The following shall be deemed to be good cause:

(1) Illness;
(2) Unavoidable and /or unforeseen conflicts;
(3) Unforeseen unavailability of witnesses; or,
(4) Lack of discovery or new evidence requiring investigation.

(E) Imposition of Costs:

Payment of costs of the court and the opposing party may be a condition for granting a continuance.

(F) Speedy Trial Waiver:

A waiver of the speedy trial rule may be required as a condition for granting a continuance. Waivers must be to a date certain.

(G) Infraction Hearing:

The court clerk may grant one telephone request for a continuance. Thereafter, the request must be in writing and approved by the court.