

**POLICIES, PROCEDURES, AND EXPECTATIONS FOR CRIMINAL DIVISION CR-C**

Judge Jonathan D. Sacks

Effective: October 16, 2023

1. Court will start promptly at 9:00 a.m. (unless notified of a different time). All attorneys shall be available and prepared to handle their assigned cases.
2. Cases will be called when all parties are prepared on their case.  
The courtroom bailiffs will have inmates available after they have been notified by Defense counsel.
3. For private counsel, specialty counsel (major crimes, special prosecution unit, sexual assault division, etc.) and RCC, cases may be called at anytime to accommodate the attorneys' needed presence in other courtrooms before other judges. Those attorneys have the responsibility to timely notify the courtroom bailiffs of the needed presence of the inmate, once both attorneys are available and ready for the case to be called. You may not request the defendant and have him/her placed in the holding cell, while you await the arrival of opposing counsel.
4. There shall be NO TALKING in the courtroom while courtroom proceedings are in progress unless a recess has been called. Conference rooms are available to conduct any negotiations or discussions with opposing counsel, or discussions with out-of-custody defendants or witnesses. Conversations between or amongst attorneys and/or defendants and victims must be conducted outside of the courtroom to minimize noise and maintain the required decorum. Conversations with defendants, if detained, must have occurred prior to the defendant being brought to the courtroom, unless specifically authorized otherwise by the Court.

5. If there are any in-custody defendants who are creating a disturbance or acting out prior to being called, please notify the Court. These inmates may be called out of order in an effort to minimize/eliminate any further disruption of courtroom proceedings.
6. If there are any out-of-custody defendants who are not represented by counsel, he/she may be called earlier and out of order so to provide the defendant with the Affidavit of Indigency for completion, and for a determination on whether or not he/she qualifies for the appointment of the Public Defender, and if an appointment is then made, for time to consult with the Public Defender prior to Arraignment or Plea.
7. Defense counsel shall not waive the presence of any in-custody defendant who has been transported to the courthouse from the jail without prior approval of the Court or absent good cause. Any waivers of appearance of the defendant shall be in writing and filed with the clerk. However, there shall be no waiver of the defendant's appearance at the Final Pre-Trial Conference.
8. Speak clearly and loudly into the microphone at each podium to assure that the court reporter, opposing counsel, the defendant and this Court can hear you. Do not move or remove the microphone from the podium.
9. Side Bar conference during morning docket are discouraged and shall be kept to a minimum – i.e., for the following type of issues:
  - a) Defendant's cooperation with law enforcement/SAO;
  - b) Defendant's mental or physical health matters;
  - c) Scheduling conflicts due to personal reasons of counsel.
10. The Court shall schedule cases as follows:

Mondays: Arraignments; Hearing on Motions/Sentencing to be set; Pre-Trial Conferences  
Tuesdays: Arraignments and Pre-Trial Conferences in the morning; Hearings or Trial in the afternoon  
Wednesdays: Arraignments, Pre-Trial Conferences, and Final Pre-Trial Conferences in the morning; Hearings or Trial in the afternoon  
Thursdays: Arraignments and Pre-Trial Conferences in the morning; Hearings or Trial in the afternoon  
Fridays: Reserved for Trial or Hearings

11. At Arraignment, the State shall be prepared to advise the Court of the following:
  - a) the Defendant's sentencing guidelines;
  - b) the State offer, if one is to be made;
  - c) the speedy trial date; and
  - d) whether discovery has already been provide, and if not, the reason why it has not already been provided.
  
12. After Arraignment, the Court shall pass the case for a Pre-Trial (PT) Conference, approximately 3-4 weeks, at that first PT Conference, parties shall provide a deposition schedule for the case. Intervening PT Conferences or hearings on any motions may be scheduled, if needed. A Final Pre-Trial (FPT) Conference shall be scheduled in each case which has been scheduled for jury selection. FPTs shall be the week prior to jury selection, i.e. the Wednesday before the Monday jury selection.
  
13. At the Final Pre-Trial Conference, the Defendant shall be present (there shall be no waiver of the Defendant's appearance at the FPT), as well as the attorney(s) who are to try the case. Counsel for each party shall be prepared to report on the following:
  - a) whether each party is ready for trial;
  - b) any state offers made, and rejected by the Defendant;
  - c) any defense counteroffers made, and rejected by the State;
  - d) the number of jury panelists needed for jury selection;
  - e) the number of peremptory strikes allotted to each side;
  - f) the estimated length of the total trial;
  - g) any date/time restrictions in scheduling due to witnesses or attorneys;
  - h) whether an interpreter or any other accommodation will be necessary; and
  - i) whether there are any outstanding motions, late disclosed witnesses or evidence requiring a *Richardson* hearing.
  
14. In the event of the entry of a Plea by a defendant, either to a negotiated disposition or straight up/open plea to the Court, the State shall be prepared to report on the following, if asked to do so by the Court:
  - a) any minimum and maximum sentences, as charged in the Information; and
  - b) the factual basis for the plea.
  
15. In the event a negotiated sentence includes a deferred sentence imposition date or a furlough, such an agreement shall be first cleared with the Court.

16. If an attorney wishes to add, remove or pass a case to another scheduled date, that attorney shall consult with opposing counsel about same, and if agreed to by both parties, shall then notify the Court's judicial assistant VIA EMAIL at [LMason1@coj.net](mailto:LMason1@coj.net) (cc'ing opposing counsel) NO LATER THAN 2:45 P.M. THE DAY PRIOR TO THE REQUESTED PASS.
  
17. If an attorney wishes to effectuate an "in court add-on" of another case not on the docket, the attorney shall notify the Deputy Clerk of the Court before the Judge takes the bench or prior to the case being called, so as to allow sufficient time for the necessary paperwork to be prepared by the clerk. "In court add-ons" should not occur with frequency and shall be kept to a minimum.