

**ANCHORAGE DISTRICT COURT
CRIMINAL MISDEMEANOR - STANDING PRE TRIAL ORDER
Effective: March 24, 2014**

1. Mandatory Deadlines

The following deadlines are mandatory: No deviations from this Pre-Trial Order shall be granted except for good cause shown. Failure to comply with these deadlines may result in the imposition of sanctions pursuant to Civil Rule 95, as incorporated by Criminal Rule 50, and as otherwise provided by law.

2. Discovery to the Defendant

Police reports and other items within the prosecutor's possession and control that are required to be disclosed to the defendant pursuant to Criminal Rule 16 shall be made available for inspection and copying by the **14th day** after Arraignment for police reports and the **21st** day after arraignment for all other discovery. Within **30** days after arraignment, defendant shall review the discovery received from the prosecutor to determine if discovery is missing.

3. Discovery to the Prosecutor

Discovery to the prosecutor is governed by Criminal Rule 16(c), and the deadlines set forth in that Rule shall be complied with.

4. Parties To Confer

If represented by counsel, counsel shall confer with the defendant to determine if discovery is missing. Defense shall request missing discovery in writing. The request may be informal – by fax or email. Municipal prosecutors and defense counsel shall confer. State prosecutors and defense counsel shall confer and shall use the District Court Pre-Trial Discovery Report form to request discovery, and communicate via that format.

The prosecutor and defense counsel shall confer with each other prior to the Pre-Trial Conference. Unrepresented defendants are not required to meet with the prosecutor. The parties are expected to address all discovery issues and are encouraged to negotiate resolutions in appropriate cases prior to Pre-Trial Conference.

5. Pre-Trial Conference Procedures

Municipal Pre-Trial Conferences are held each Monday at 9:00 a.m. or Tuesday when Monday is a holiday.

State Pre-Trial Conferences are held each Monday at 9:30 a.m. or Tuesday when Monday is a holiday.

Defendants shall be present at the Pre-Trial Conference unless a valid Consent to Proceed, pursuant to Alaska Criminal Rule 38, has been completed and filed with the court.

Prosecutors and defense counsel unable to be present shall send a substitute counsel who is prepared to substantively address all Pre-Trial Conference and Trial Call issues.

Change of Plea cases not requiring victim notice, and, if the parties are prepared, will immediately follow the Pre-Trial Conference hearing in order to accommodate same day case resolutions.

In state cases, the parties shall prepare a written District Court Pre-Trial Discovery Report on the court form to present to the court. Parties in municipal cases will orally report on discovery status. All parties shall be prepared to show good cause why they have not conferred or, in state cases, filed a District Court Pre-Trial Discovery Report.

Written motions to continue Pre-Trial Conference filed less than 10 days before Pre-Trial Conference shall be filed in the chambers of the judge assigned to the calendar prior to the hearing. A continuance of a Pre-Trial Conference will be granted only when the court finds that postponement is in the interest of justice, taking into account the law, the defendant's and the public's interest in speedy trials and consideration of the interests of and effects on the crime victim.

Cases involving defendants also charged with a felony case(s) and seeking global plea negotiations may be continued upon providing the court with a single realistic future date in light of the procedural posture of the felony case(s). Defense counsel requesting a continuance to seek a global resolution shall inform the court of the next court date scheduled in the felony case(s).

6. Pre-Trial Motions and Motion Call

Motion Call will be held Mondays at 1:00 p.m. or Tuesday when Monday is a state holiday.

At the Pre-Trial Conference, counsel shall announce whether or not they will file a motion in a case. The court will assign a motion deadline and also schedule the case for a Pre-Trial Conference date after that deadline. When a motion is filed, the case will be scheduled for Motion Call and the Pre-Trial Conference date vacated by written Order. If no motion is filed, the Pre-Trial Conference date will remain. Any other motions filed, when ripe, will be scheduled for Motion Call.

Judicial Assignments for motion hearings will be made at Motion Call. Peremptory challenge of the judge assigned, pursuant to Criminal Rule 25(d), shall be exercised on the record at the time the assignment is made or the parties are deemed to have accepted the assignment. The judge assigned to the case at Motion Call shall be a

permanent assignment of that judge for purposes of Criminal Rule 25(d), though the case may be reassigned to another judge for trial if judicial availability necessitates that.

Attorneys assigned to cases scheduled for Motion Call shall be present at the hearing. Assigned attorneys unable to appear shall have a substitute counsel who is prepared to substantively address Motion Call issues, accept an evidentiary hearing date, and a judicial assignment.

Defendants shall be present at Motion Call unless a valid Consent to Proceed, pursuant to Alaska Criminal Rule 38, has been executed and filed with the court and counsel is prepared to accept a judicial assignment without the defendant present.

7. Trial Call

In all misdemeanor cases, Trial call will be held Thursdays at 3:00 p.m. Trials begin on the following Tuesday morning, unless a different start date is necessary.

Date-certain trials may be requested at Trial Call for unusual witness or other circumstances and will be considered on a case by case basis.

Attorneys are encouraged to complete plea negotiations prior to Trial Call.

Unless a judge is assigned to a case for motion practice, judicial assignments for trial will be made at Trial Call. Peremptory challenge of the judge assigned at trial call, pursuant to Criminal Rule 25(d), shall be exercised on the record at the time the assignment is made for trial or the parties are deemed to have accepted the assignment.

Defendants shall be present at Trial Call in person, unless good cause is shown why they cannot be present.

Attorneys assigned to cases scheduled for Trial Call shall be present at the hearing. Assigned counsel unable to be present shall have a substitute counsel who is prepared to substantively address Trial Call issues, accept a trial date, and a judicial assignment.

The court may grant a continuance of Trial Call when the court finds that postponement is in the interests of justice, taking into account the law, the public interest in speedy trials and consideration of the interests of and effects on the crime victim.

Prosecutors shall be prepared to inform the court of their Criminal Rule 45 calculations in each case at Trial Call.

Prosecutorial motions to continue Trial Call and toll Criminal Rule 45 for unavailability of material evidence or witnesses, will not be ruled on at Pre-Trial Conference or Trial Call. To receive a ruling on the tolling of Criminal Rule 45, prosecutors must file, in writing,

the facts and law to support their request. After Opposition and Reply, these motions will be assigned to a judge for ruling on the pleadings with respect to the status of Rule 45. If either party believes an evidentiary hearing is needed, that party may notify the court when their motion or opposition is filed.

Written Motions to Continue Trial Call shall be filed in the chambers of the judge assigned to the calendar prior to the hearing, with an indication of whether the Motion is opposed or unopposed.

8. Trial

Trials begin on the Tuesday morning following Trial Call unless a different start day is necessary. All defendants scheduled must be present at trial. Defense counsel shall assure that defendants are dressed appropriately for trial.

At Trial Call, multiple trials may be scheduled before each judge in a trial-trailing system. The parties should expect that trailing cases may be called up for trial throughout the week and sometimes reassigned between judges as cases are disposed of and counsel become available to begin trial. Prosecutors should be prepared to reassign less involved cases so that trials may proceed without delay. The court will hear any objections by the prosecutor to this, on a case-by-case basis.

By 1:00 p.m. on the day before trial is scheduled to begin the parties shall submit, by fax, to the chambers of the judge assigned a Notice of Status of Case Scheduled for Trial on the court form for all cases not ready for jury trial. This is required so the court does not unnecessarily incur the costs of calling a jury panel and for trial management and scheduling purposes.

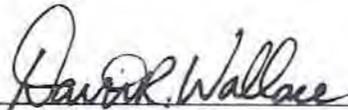
9. Jury Instructions

Unless otherwise ordered, the prosecutor shall provide one set of the most current Criminal Pattern Jury Instructions to the court and to opposing counsel at the beginning of the second day of trial. Any defense jury instructions shall be provided at the close of the prosecution's evidence. No citations to authority need be provided for instructions approved by the Alaska Criminal Pattern Jury Instruction Committee. All other instructions must have a duplicate instruction, with a citation to authority.

10. Bail Hearings

Bail hearings must be requested using the most current forms prescribed by the court.

March 24, 2014
Date



DAVID R. WALLACE
Deputy Presiding Judge