

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

| | | |
|-----------------|---|-------------------------|
| STATE OF ALASKA |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | |
| |) | Case No. 3AN-_____ CR |
| _____ |) | |
| Defendant. |) | Arraignment Date: _____ |
| _____ |) | |

FELONY CASE PRETRIAL ORDER

The Anchorage Superior Court has adopted policies aimed at reducing unnecessary delay in felony criminal cases. To view the new policies on issues such as motions for continuances, pre-indictment hearings, and trial calls, see CR-374 ANCH, available on the court system’s website at <http://www.courtrecords.alaska.gov/webdocs/forms/cr-374anc.pdf>

- 1. **Assignment:** This case is assigned to Judge _____ for all purposes, except bail hearings, which shall be before the scheduled bail/arraignment judge.
- 2. **Criminal Rule 45 deadline** is calculated to expire _____.
- 3. **Mandatory Deadlines:** The following deadlines are mandatory. Unless the court otherwise directs, failure to comply with these deadlines shall be deemed a waiver of the scheduled proceeding and/or subject counsel to sanctions as provided by law.

- A. **This case is eligible to be called for trial and will be placed on the trailing trial calendar the week of:** _____
Estimated Trial Days: _____
- B. **Discovery to be completed by 20th day after arraignment:** _____
- C. **Prosecution Pretrial Discovery Report to be completed, filed, and transmitted to defense by 30th day after arraignment:** _____
- D. **Defense Pretrial Discovery Report to be completed, filed, and transmitted to prosecution by the 40th day after arraignment:** _____
- E. **First Pretrial Conference to be held the 45th day after arraignment:** _____

2:30 p.m. Courtroom _____ (Judge _____)
 3:30 p.m. Courtroom _____ (Judge _____)
 :___.m. Courtroom _____ (Judge _____)

I certify that on the _____ day of _____ a copy of the above was distributed to each of the following: DAO PDA/OPA-AJR
 Other Defense Counsel _____ Assigned Judge _____

Clerk

4. Motions.

Unless otherwise approved by the court at the first pretrial conference, all motions, except motions for protective orders and motions *in limine*, are to be filed by the **60th day after arraignment**. **Failure to file a motion by the motions deadline may constitute a waiver of the issue and will result in cancellation of any scheduled evidentiary hearing. Unless otherwise ordered by the court or specified by rule, oppositions or responses to motions are to be filed within 10 days after service of the motion. Failure to file a timely response or opposition to a motion shall subject counsel to sanctions as provided by law.**

Motions *in limine* and motions for protective orders must be filed no later than **2 days before trial**. **Failure to file these motions by the scheduled deadline may constitute a waiver of the issue.**

A motion for a “Daubert-Coon” hearing must be raised at least thirty days before trial to allow appropriate evidentiary hearings if necessary to be conducted. **Failure to request a “Daubert-Coon” proceeding timely will constitute a waiver of the issue.** The Court will still determine relevance, materiality and the applicability of Evidence Rule 403 as to such information.

Motions for *in camera* inspection must be filed by the deadline set for other motions, and must be accompanied by proof of service to the affected agency/individual whose records are sought to be disclosed.

Motions must comply with Criminal Rule 42. A memorandum in support of a motion may not exceed 15 pages without prior approval of the court.

5. Pretrial Conferences.

At pretrial conference the parties must apprise the court of any request for changes in the motions deadline, requests for evidentiary hearings, discovery disputes, and changes in the trial date. A party announcing “status” or “ready for trial” at a pretrial conference is certifying to the court that all motions have been filed, that discovery is complete, and that the party is prepared to begin trial on the scheduled trial date.

6. Rule 45.

Any party objecting to the Criminal Rule 45 deadline stated in this order must do so within five days, in writing, or objection will be deemed waived. Any defense request to continue a pretrial conference will toll Criminal Rule 45, unless that time has already been tolled or the court orders otherwise. All continuances of trial at the request of the defense must be accompanied by a written waiver signed by the defendant. Tolling of speedy trial time will otherwise be governed by the provisions of Criminal Rule 45.

7. Trial and Trial Call.

Trial call will be held on the Tuesday preceding the week set for trial. Parties are expected to be ready for trial and appear at trial call upon notice the case is being called. Any motions to continue trial must be filed in writing within 24 hours of trial call.

Cases will be called for trial in order of Rule 45 priority. Date certain trials are limited to those cases of unusual complexity, age since indictment, or number of out-of-state witnesses, and must be approved by the Deputy Presiding Judge for Criminal Matters. All requests for a date certain trial must be made in writing. Even if a trial is assigned a date certain trial date, trial may be delayed by a case with a higher Rule 45 priority. The Deputy Presiding Judge for Criminal Matters will determine the priority of cases for trial.

Proposed jury instructions by both the prosecution and defense must be filed on the day jury selection begins. Proposed jury instructions must include a numbered set with citations to authority, and an unnumbered set with no citations. Each party must submit proposed verdict forms consistent with the party's proposed instructions.

8. Bail Hearings.

Bail hearings must be requested in writing through Calendaring by faxing to 264-0637 a completed Application for First Bail Review Hearing (CR-301) or Application for Second or Subsequent Bail Review Hearing (CR-302). Bail hearings will be set by Calendaring before the first available judge. Bail review is limited to the requests made on forms CR-301 and CR-302. If a defendant is unable to proceed at the scheduled bail hearing, the bail hearing will be continued to the next available date and time. Bail hearings will not be scheduled before the assigned judge unless expressly requested by the assigned judge.

9. Continuances.

No extension of time for any deadline established in this Order or at a pretrial conference, and no continuance for any scheduled court event except pretrial conferences, including pretrial conferences, evidentiary hearings, status hearings, trials, and sentencing, shall be granted except upon written motion, filed in accordance with Criminal Rules 12(h) and 42, supported by an affidavit establishing a factual basis for good cause. Continuances based on stipulation of the parties will not ordinarily be granted absent a showing of sufficient cause. Continuances will not automatically be granted merely because the defendant is willing to waive Rule 45 time. For additional information about continuances see CR-374 ANCH, available on the court system's website at <http://www.courtrecords.alaska.gov/webdocs/forms/cr-374anc.pdf>

10. Timeliness.

The prosecution and defense must be available and prepared to begin all court events at the scheduled time. To ensure that all events are begun promptly, in-custody defendants will be called to the courtroom ten minutes prior to the scheduled start time, regardless of whether defense counsel is present in the courtroom.

11. Deviations from this Order.

No deviations from this Order shall be granted except upon written motion for good cause shown. Failure to comply with the provisions herein shall be subject to sanctions pursuant to Civil Rule 95 as incorporated by Criminal Rule 50 and as otherwise provided by law.

12. Effective Date.

This Order is effective for all cases filed on or after October 1, 2015.

Date

Jack Smith
Deputy Presiding Judge
Superior Court – Criminal Dept

Date

William Morse
Presiding Judge
Third Judicial District