

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

In re:

All Criminal Matters Pending in
Palmer Superior Court

Amended
FELONY PRETRIAL ORDER
PJ Order # 1062

In an effort to establish more efficient pre-trial procedures, to avoid clogging the pre-trial docket, and to clear the backlog of pending criminal matters, the following orders apply to all criminal cases pending in Palmer Superior Court.

Pre-Trial Conferences (Criminal Rule 16(f) Hearings)

1. Counsel shall be prepared to present the following information at every pre-trial conference:
 - a. The State and defense counsel shall indicate whether they are aware of missing discovery and what efforts have been made to obtain any missing discovery.
 - b. Defense counsel shall indicate whether the defense expects to file substantive motions or, if unknown at the time of PTC, when the defense expects to be able to provide this information.
 - c. The State shall indicate whether it intends to seek the admission of 404(b) evidence at trial and whether associated discovery has been obtained/disclosed.
2. For cases filed after the effective date of this order, the State shall be prepared to present the alleged victim's position regarding continuances longer than 60 days, if known, at each pre-trial conference.¹

¹ See; Crim. R. 45(h), A.S. 12.61.015(a)(5)(B) ("If a victim of a felony, a sex offense as defined in AS 12.63.100, or a crime involving domestic violence requests, the prosecuting attorney shall make a reasonable effort to ... (5) inform the victim of a pending motion that may substantially delay the prosecution and inform the court of the victim's position on the motion; in this paragraph, a 'substantial delay' is ... (B) for a felony, a delay of two months or longer".) Palmer Felony Pretrial Order
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3. Parties shall comply with Criminal Rule 16 in all respects. Discovery hearings will not be set via oral request. Any request for enforcement of discovery obligations shall be made by motion with the showing required by Criminal Rule 16(d)(8).

Announcing Ready for Trial

1. A party shall not announce ready for trial unless they have filed all required pre-trial notices, they can affirm there are no additional pre-trial motions other than motions in limine, and they have a good faith basis to believe discovery is complete. If a defendant is demanding trial before discovery is complete, counsel shall so inform the court.
2. If counsel requests or agrees to a trial date, they shall do so only if the assigned attorney is available for trial on the requested date. Counsel shall notify the court if the assigned attorney is scheduled for trial in front of another judge on the same dates. Counsel shall not request or agree to trial dates during which they have personal leave scheduled.
3. Subject to constitutional limitations, failure to raise any pre-trial issue by motion before announcing ready for trial will constitute a waiver of that issue unless the party can demonstrate good cause and due diligence.
4. After parties announce ready for trial, the State shall make diligent efforts to determine if any of its witnesses are unavailable for the scheduled trial dates. The State shall file a request to continue no later than 5 days prior to the scheduled trial status if any of its essential witnesses are unavailable. Any such continuance will not toll Rule 45 unless the State establishes unavailability, materiality, and due diligence by motion and affidavit. The defense must file any written opposition to such motion within 3 days of service of the motion.
5. Once a party announces ready for trial, continuances will not be granted at the request of that party without a showing of good cause and due diligence,

including that new information has arisen that could not have been ascertained at the time that party announced ready for trial.

Changes of Plea

1. Written applications for a Rule 11 change of plea must include all material terms of the parties' agreement.
2. If a change of plea is set based on an oral application, the defense shall file a "notice" including all material terms of the parties' agreement at least 24 hours prior to the scheduled change of plea date.
3. The State shall file all documents to be lodged in anticipation of the change of plea hearing - dismissals, charge reduction documents, proposed probation conditions, vehicle forfeiture information - at least 24 hours prior to the scheduled change of plea date.

Required Appearances

1. The defendant shall personally appear—either in-person or by telephone—for all hearings in any case that has been pending for 1 year or more, whether or not a consent to proceed is on file.²
2. In all cases, regardless of case age, counsel for the State and the defense who are located in the Anchorage/MatSu area are expected to appear in person for the following types of hearings unless advance leave has been granted to appear by phone:
 - a. Bail review hearings
 - b. Representation hearings
 - c. Trial status/Trial
 - d. Changes of plea
 - e. Sentencing hearings
 - f. Evidentiary hearings

² This paragraph is effective June 1, 2025.

3. The attorney assigned to a case is expected to personally appear for all trial statuses unless advance leave is given to have coverage or to appear by telephone.
4. Defense counsel is required to appear in person at any hearing where their client is in custody and for which a transport order has issued unless prior approval has been granted.
5. All persons appearing for hearings remotely are expected to abide by the requirements of Supreme Court Order No. 2018, titled "Expectations of Participants in Remote Proceedings."

EFFECTIVE May 12, 2025

DATED in Anchorage, Alaska this 17th day of April, 2025.

A handwritten signature in black ink, appearing to read 'T. Matthews', written over a horizontal line.

Thomas A. Matthews
Presiding Judge
Third Judicial District

Distribution

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