## IN THE DISTRICT COURT FOR THE STATE OF ALASKA THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA,

Plaintiff,

vs.

ALL DEFENDANTS.

## STANDING MISDEMEANOR PRETRIAL ORDER

(1) At <u>arraignment</u> all District Court cases shall be scheduled for a pretrial conference approximately 30 to 45 days from the date of arraignment. All cases will be set for a trial week approximately 60-75 days from the date of arraignment.

(2) <u>Pretrial Motions</u>: In addition to the mandatory pre-trial motions required by Criminal Rule 12(b)(1) – (4), the opponent of anticipated scientific evidence must file an objection before trial.

(3) At <u>pretrial conference</u> parties must be prepared to (1) address discovery issues; (2) advise the court of any anticipated motions; (3) notify the court of any witness or attorney scheduling issues; (4) advise the court regarding a realistic trial date; and (5) file any consent to trial by magistrate judge. Defendants must be present at pre-trial conference unless counsel has filed a properly executed consent to proceed. The State must have police officer leave schedules available at the time of pretrial conference.

(4) All District Court case <u>assignments</u> to a judicial officer will be made at the time that a substantive motion is filed or at trial call, whichever is earlier. <u>Peremptory challenges</u> to a judicial officer assigned at trial call shall be exercised in writing by 3:00 p.m. on trial call day whenever possible. If the court receives notice of a peremptory challenge after then but within the five-day period authorized under Criminal Rule 25(d)(2), the court will not deem the peremptory challenge untimely or deny the challenge on timeliness grounds..

(5) Unless otherwise ordered <u>trials</u> will be held between 8:30 a.m. and 1:30 p.m. The state shall file exhibit lists and proposed jury instructions on the morning of trial.

(6) All <u>discovery</u> must be produced within 30 days of the arraignment date. Discovery shall be governed by Criminal Rule 16. All other <u>pleadings</u> including motions, notice of experts and defenses shall be filed in accordance with the criminal rules.

(7) A properly executed <u>Consent to Proceed in Defendant's Absence</u> may be utilized <u>except</u> for any trial call, trial, change of plea and sentencing. Unless authorized by the court in advance, all <u>Defendants</u> <u>must be physically present for all trial calls, trials, changes of plea and sentencing hearings</u>. The prosecutor must notify the victims on all hearings as required by A.S. 12.61.010.

(8) All remands will occur in Kenai unless otherwise ordered.

Wells 6/19/19

Jennifer K. Wells Deputy Presiding Judge

Distribution: Presiding Judge Morse, ACA Carol McAllen Kenal, Homer and Seward Bench Kenal Peninsula Bar Association Kenal, Homer and Seward court staff