

IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
SECOND JUDICIAL DISTRICT AT NOME

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ALL DEFENDANTS. )  
 \_\_\_\_\_ )

**STANDING MISDEMEANOR PRETRIAL ORDER**

**Judicial Assignment.** At arraignment, all District Court cases are assigned for trial to **Superior Court Judge Romano D. DiBenedetto**. All hearings prior to trial shall be held before **Magistrate Judge Pamela Smith**, unless another judicial officer is assigned.

**Calendaring:** At arraignment all District Court cases shall be scheduled for a Pre-trial conference approximately 45-60 days from the date of arraignment. All cases will be set for a trial week approximately 75-90 days from the date of arraignment. pre-trial conference, trial call and trial hearings will be scheduled at the arraignment hearing.

**Continuances. Pre-trial Conferences:** Cases will remain in “pretrial conference” status before the magistrate no longer than two (2) months after the pretrial conference date listed in the pretrial order, i.e. two requests for a continuance. Thereafter, the case will be transferred to the trial judge. If there is an outstanding discovery issue, the case may be transferred to any date for a hearing at 1:30 p.m. to address the issue. Otherwise, the case will be transferred for trial call.

**Trial:** All requests for continuance of a trial will have to be supported by a specific reason provided by the party asking for the continuance. Such requests must comply with Criminal Rule 45 (2) and (3). A presumptively valid reason for movement of a trial date is the unavailability of a witness or attorney due either to illness or to pre-planned or emergency leave. Please note that trial call and trial week dates pertain to cases either moved there no later than the month preceding the trial call date or moved there to accommodate a demand for trial.

**Presence Required.** Defendant must appear personally or telephonically for pre-trial conference, if announcing ready for trial, and for trial call. Defendant must be present personally for trial. Criminal Rule 38 and 38.1.

**Consent to Trial by Magistrate Judge.** Any written Consent to Trial by Magistrate Judge must be filed by the pre-trial conference or before, upon the filing of a defense motion or opposition to a State’s motion. Failure to file a written Consent to Trial by Magistrate Judge by the pre-trial conference is a waiver of the right to file the Consent.

**Peremptory Challenges.** A peremptory challenge of a judicial officer must comply with the five-business day time limit established by Criminal Rule 25(d). Challenges of the Superior Court Judge must be filed within 5 days after notice of assignment to a specific judge. When a Consent to Trial by Magistrate Judge is filed, the parties must file any peremptory challenge of the Magistrate Judge within five business days after the Consent is filed.

**Discovery and Motions.** Discovery as provided by Criminal Rule 16 must be **exchanged by the initial Pre-trial conference**. Any motions listed in Criminal Rule 12(b) shall be filed 30 days after discovery is received by the Defendant. Opposition and Reply shall be filed as stated in Criminal Rule 42.

**Expert witnesses and scientific evidence.** Counsel shall comply with Criminal Rule 16 by providing opposing counsel with a written, substantive description of proposed expert testimony and anticipated scientific evidence. Any objection to expert testimony based on Evidence Rules 104(a), 401, 403, 702 or 703, or any request for a *Daubert-Coon* hearing to test validity of anticipated scientific evidence, is waived unless filed, in writing, not later than 10 days after receipt of the written description of the expert testimony and anticipated scientific evidence.

**Interpreters.** Any necessary interpreter services shall be arranged as provided by Admin. Rule 6.

**Modification.** The above deadlines and procedures may be modified by a) stipulation of the parties, subject to court approval upon a showing of good cause, or b) order of the Court

**IT IS ORDERED** that all parties and counsel shall comply with this Order or be prepared to show cause why appropriate sanctions under Criminal Rule 50(c) and/or Civil Rule 95(b) should not be imposed.

**ENTERED** at Nome, Alaska, this 24<sup>th</sup> day of January, 2022



ROMANO D. DIBENEDETTO  
Superior Court Judge, Nome, Alaska