

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CRIMINAL MATTERS

**GUIDELINES FOR VIRTUAL AND IN-PERSON PRETRIAL
CRIMINAL PROCEEDINGS IN SUFFOLK SUPERIOR COURT**

To guide in the exercise of discretion provided for in Superior Court Standing Order 4-21, and subject to Superior Court Standing Order 1-20, the following guidelines apply to criminal pretrial proceedings in Suffolk Superior Court, effective August 2, 2021:

I. The following may be submitted for the court to consider for approval without a hearing:

- a) agreed-upon motions to continue, where the defendant waives Rule 36 and defense counsel confirms that the defendant has been advised of the request;
- b) agreed-upon motions to amend conditions of pretrial release, or conditions of release pending a final probation surrender hearing;
- c) requests for funds.

II. To the extent feasible, and consistent with the protection of constitutional rights, the following matters may be conducted virtually:

- a) conferences to review case status, including status of probation;
- b) hearings regarding discovery disputes;
- c) hearings for non-evidentiary motions;
- d) lobby conferences, where a plea is not contemplated on the day of the conference (see “changes of plea” at III (c) below);
- e) warrant requests; and
- f) bail hearings after expiration of revocation period.

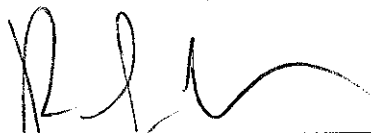
III. To the extent feasible, the following matters shall be conducted in-person:

- a) evidentiary motions;
- b) arraignments, except i) where the defendant is in custody and after consultation with counsel, waives physical presence, or ii) where a defendant is not in custody, is represented by counsel, the defendant waives physical presence, and the Commonwealth is not requesting bail;
- c) changes of plea, except where the defendant waives physical presence and the court orders a virtual hearing for good cause;
- d) initial probation violation hearings;
- e) final probation violation hearings, except counsel may request to proceed virtually i) where the probationer is in custody and the probationer stipulates to the violation, the sentencing recommendation is agreed upon, and the probationer waives physical presence, or ii) where the probationer is not in custody, the probationer stipulates to the violation, the sentencing recommendation is agreed upon and does not include incarceration, and the defendant waives physical presence;
- f) General Laws, Chapter 276, § 58A dangerousness hearings, except counsel may request to proceed virtually where the defendant is in custody, the defendant waives physical presence, and witnesses will not be called by either party;¹
- g) final trial conferences; and
- h) warrant removals, except i) where the defendant is in custody or ii) where the defendant is not in custody and the Commonwealth and/or Probation Department is not requesting bail or detention; and

¹ Pursuant to Superior Court Standing Order 1-20, "non-testimonial hearings for review of dangerousness made under G.L. c. 276, §58A," shall be conducted virtually.

i) motions to revoke bail, except where the defendant is in custody.

To facilitate attorney/client communications, where the proceeding is scheduled to be conducted virtually, both defense counsel and the defendant or probationer should participate virtually; and where the proceeding is scheduled to be conducted in-person, both defense counsel and the defendant or probationer should appear in-person.



Robert L. Ullmann
Regional Administrative Justice for
Criminal Matters, Suffolk County

Dated: July 29, 2021