

CRIMINAL CASE MANAGEMENT PRACTICES FOR PLYMOUTH COUNTY SUPERIOR COURT

Members of the Bar can expect the following criminal case management practices to be enforced by judges sitting in the criminal sessions of the Superior Court in Plymouth County.

The purpose of these practices is to resolve cases, either by plea or trial, in a timely and efficient manner to better serve the community.

1. First Session Call of the List

The call of the list in the First Criminal Session commences at 9:30 a.m. in order to allow the jury pool's use of the courtroom to view the Trial Court's orientation video for jurors.

2. Meaningful Hearing Dates

Cases in the First Criminal Session will be scheduled only for meaningful hearings, i.e. hearings at which a judge must decide an issue or take some action. Status dates will be reserved for cases in which the parties are awaiting a court ruling. Failure to appear for a hearing without moving for a continuance may result in the court taking action in the absence of the non-appearing party.

3. Discovery Motions

As provided in Mass. R. Crim. P. 13(d)(1), discovery motions must be filed by the pretrial hearing. Parties should expect that discovery will be closed once the court takes action on those motions. All late-filed discovery motions must be accompanied by an affidavit establishing good cause as defined in the rule.

4. Motions to Suppress & Dismiss

As provided in Mass. R. Crim. P. 13(d)(2), non-discovery motions, such as motions to suppress evidence and motions to dismiss must be filed no later than 21 days following assignment of a trial date.

5. Marking Motions for Hearing

As provided in Mass. R. Crim. P. 13(e)(3), parties may request a hearing date for motions from the clerk's office at the time the motion is filed. Opposing parties should be consulted in an attempt to agree on a mutually convenient date.

6. Plea Discussions

Parties have a responsibility to confer to determine whether or not a case can be resolved without a trial. If the parties have not conferred by the Pretrial Conference, the presiding judge may schedule a case for a “Lobby Conference” or for potential “Disposition.” At that hearing, the Commonwealth is required to inform defense counsel of the disposition it considers to be fair and just. Defense counsel must communicate that offer to the defendant and inform the Commonwealth and the court of the defendant’s decision to accept the offer, continue discussions regarding a potential resolution or go to trial.

7. Trial Dates

In accordance with Mass. R. Crim. P. 11(b)(2)(iii), parties should expect that a trial date will normally be set at the pretrial hearing. At the same time, a final pretrial conference shall be scheduled in the trial session to which the case is assigned on a Thursday afternoon at 2:00 p.m. one to three weeks prior to the assigned trial date.

8. Cases Assigned to Plymouth Trial Session

The First Session judge may assign cases from the southern half of the county to the Fourth Criminal Session in Plymouth at any time. Normally, this will be done at the time of the pretrial hearing when discovery is closed. Once a case is assigned to the Plymouth trial session, it will remain there for all purposes, including hearing of any motions the judge sitting in that session allows to be filed late.

9. Cases Assigned to a Trial Session in Brockton

Once a case is assigned to a trial session in Brockton, it shall remain in the trial session with an assigned trial date. If the trial judge allows a party to file a motion late (such as a motion to suppress or a motion to dismiss), the motion shall be scheduled for hearing in the trial session at the earliest possible time so that the trial may commence as scheduled. Trials shall not be canceled without the assignment of a new trial date.

10. Bail Reviews

Review of bail determinations of a District Court pursuant to G.L. c. 276, § 58 and § 58A shall normally be scheduled for hearing at 2:00 p.m. in the Fourth Criminal Session at the courthouse in Plymouth.