

PRETRIAL CONFERENCE REPORT
Mass. R. Crim. P. 11(a)(2)(A)

DOCKET NUMBER

Trial Court of Massachusetts
The Superior Court



CASE NAME:
Commonwealth vs.

Clerk of Courts
County

COURT NAME & ADDRESS

(To be completed and signed by both parties and submitted to the court at the Pretrial Hearing unless defendant tenders a plea or admission.)

A pretrial conference between the parties was conducted on _____, with the following results:

I. DISCOVERY

1. AUTOMATIC DISCOVERY FOR THE DEFENDANT pursuant to Mass. R. Crim. P. 14(b). In accordance with the rule, the prosecution has disclosed or has permitted the defense to discover, inspect and copy all items and information set forth in Rule 14(b).

- Automatic discovery **has been completed.**
- Automatic discovery **has not been completed.** The Commonwealth agrees to provide the defendant with the following materials that have not yet been provided:

2. RECIPROCAL DISCOVERY FOR PROSECUTION pursuant to Mass. R. Crim. P. 14.1. In accordance with the rule, the defendant has permitted the Commonwealth to discover, inspect, and copy any material and relevant evidence discoverable under Rule 14(b)(1)(F), (G), and (H), which the defendant intends to use at trial.

- Reciprocal discovery **has been completed.**
- Reciprocal discovery **has not been completed** because the prosecution has not completed all automatic or ordered discovery.
- Reciprocal discovery has not been completed. The defendant agrees to provide the Commonwealth with the following materials that have not yet been provided:

3. UNRESOLVED DISCOVERY ISSUES with respect to any discovery that the parties are or may be entitled to by rule or court order and that has not been provided:

- The parties agree as follows (list items to be delivered, inspected, etc. and agreed date of delivery):

The defendant is herewith filing the following motion(s) to compel discovery:

The Commonwealth is herewith filing the following motion(s) to compel discovery:

4. CERTIFICATE OF COMPLIANCE. The parties acknowledge that in accordance with Mass. R. Crim. P. 14.2(e), they must file a "Certificate of Compliance" when they have provided all discovery required by the rule or by court order.

5. CONTINUING DUTY. The parties acknowledge that in accordance with Mass R. Crim. P. 14(d) and 14.1(b), they have a continuing duty to provide discovery subsequently discovered.

II. OTHER PRETRIAL MATTERS

6. NON-DISCOVERY MOTIONS. In addition to any discovery-related motions listed above, the following motions will be filed on matters upon which the parties have *not* reached an agreement:

7. NOTICE OF ALIBI pursuant to Mass. R. Crim. P. 14.3(a). If an alibi is offered, the parties hereby acknowledge their continuing duty under Mass. R. Crim. P. 14.3(a)(3) to disclose additional alibi witnesses.

The Commonwealth hereby notifies the defendant that the alleged offense was committed at the following time, date, and place:

The defendant agrees to notify the Commonwealth in accordance with the procedures set out in Rule 14.3(a), on or before _____, if an alibi defense will be offered.

The defendant hereby gives notice to the Commonwealth of his/her intention to offer an alibi defense. Below is the specific place(s) at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the defense intends to rely on to establish the alibi (**the rule requires that the defendant sign the notice of alibi; a signature line for this purpose is provided at the end of this document**):

The Commonwealth agrees to notify the defendant in writing and within 7 days of service of the defendant's notice of alibi, the names and addresses of witnesses whom the Commonwealth intends to rely on to establish the defendant's presence at the scene of the alleged offense and any other witnesses to be relied on to rebut the testimony of any of the defendant's alibi witnesses.

8. NOTICE OF OTHER DEFENSES pursuant to Mass. R. Crim. P. 14.3(b) and (c); and 14.4.

- The Defendant agrees to notify the Commonwealth in writing on or before _____, of his/her intention to rely upon a defense set forth under Mass. R. Crim. P. 14.3(b) and (c); and 14.4.
- The Defendant hereby gives notice to the Commonwealth of his/her intention to offer the defense indicated below, and states the following in accordance with the applicable rule:

9. STIPULATION OF FACT:

10. CASE INFORMATION (not binding):

The defendant is: is in custody at _____
 is *not* in custody

Case likely to proceed: With Jury Jury Waived

A _____ language interpreter will be needed.

Estimated length of trial: _____

Number of prosecution witnesses: _____

Number of defense witnesses: _____

11. CERTIFICATION: The undersigned certify that the information set forth above is accurate and complete as of the date of this Pretrial Conference Report. In accordance with Mass. R. Crim. P. 11(a)(2)(A), any agreement between the parties set forth herein shall be binding and shall control the subsequent course of the proceeding.

Assistant District Attorney

Defense Counsel

Pro Se Defendant

Date

Defendant's Signature *(required if waiver of constitutional right, stipulation of material fact, or alibi defense are set forth herein)*