

BRISTOL COUNTY
First Session Protocol

A. General Overview

1. Cases arraigned in the first session will be assigned to the A, B, or C track per Superior Court Standing Order 2-86. Except murder cases, in addition to the track designation, the Clerk- Magistrate shall assign presumptive dates for all tracking order events at arraignment, including the following:
 - a. Pre-trial conference to be held approximately 21 days after arraignment. The Pre-trial Conference Report shall be completed and filed at that time.
 - b. In-court filing date for evidentiary and non-evidentiary motions to suppress/McCarthy/O'Dell motions.
 - c. Scheduling conference/pre-trial hearing date in the First Session, to be held no later than 90 days after arraignment for "A" track cases; 135 days after arraignment for "B" track cases; and 180 days after arraignment for "C" track cases, per Standing Order 2-86.
 - d. Presumptive disposition deadline per Standing Order 2-86. The trial date will be set at least thirty (30) days prior to the disposition deadline. With the exception of the murder cases, the final pre-trial conference date will be set approximately seven (7) to ten (10) days prior to the trial date. Trial dates will be scheduled on Mondays in the trial sessions.
2. All mandatory discovery, then existing, under Rule 14 is to be provided at arraignment, or at the earliest possible opportunity thereafter, but in any event, no later than the pre-trial conference. The Commonwealth understands its continuing obligation to provide discovery promptly.
3. With the exception of murder cases, the scheduling conference/pre-trial hearing shall take place in the First Session, under the supervision of the First Session judge, and will include the following:
 - a. The judge will review, amend as necessary, and approve the Pre-trial Conference Report and the tracking order form and dates.
 - b. The parties will report regarding any discovery that remains outstanding, the reason therefore, and when it will be provided. A compliance date will be established when necessary. If discovery is not complete, a further pre-trial hearing will be held following compliance. Upon completion of discovery, the prosecutor will file a certificate of compliance and final notice of discovery listing all items provided.

- c. Discovery motions, including Rule 17 motions, if any, will be filed and reviewed by the First Session judge, and a date will be scheduled for hearing in the First Session.
 - d. The parties will report as to whether an evidentiary motion will be filed. Evidentiary motion hearing dates will not be assigned until the motion is filed so that the court can properly evaluate the time needed for hearing. Accordingly, the evidentiary motion filing date will be a mandatory in-court appearance date for all counsel.
 - e. The parties will report on the possibility of a change of plea, and a date will be scheduled for dispositional conference with the First Session judge if requested by any party.
- 4. All pre-trial matters after arraignment on murder cases are handled by the RAJ. When a murder case is ready for trial assignment, it shall be assigned to one of the two trial sessions. Dates shall be assigned at that time for filing deadlines on motions in limine and opposition and for final pre-trial conference.
- 5. The First Session will be capped at a fixed number of regularly scheduled cases per day (to be determined by the First Session judge and the RAJ), which cases shall be called at 9:00 am, unless otherwise arranged after consultation with the clerk or the First Session Judge in advance.
- 6. The First Session judge will handle all matters relating to the Grand Jury, except for the empanelment of the grand jury, which will be conducted by one of the trial session judges.
- 7. The First Session judge and clerk will maintain a master calendar for trials and motions to suppress, which will include the following information:
 - a. Custody status of defendant;
 - b. Expected length of trial/motion;
 - c. Need for an interpreter; and
 - d. Whether out-of-state witnesses, expert witnesses, child witnesses or other witnesses with special scheduling or other needs are involved.

B. Evidentiary and Non-Evidentiary Motions to Suppress

- 1. Evidentiary and non-evidentiary motions to suppress will be heard on the date scheduled, unless otherwise ordered by the court. The parties shall be ready to proceed, regardless of whether plea negotiations are taking place, or if one of several

witnesses is unavailable. It is the policy of the Court to not continue motions to suppress because one of the witnesses is not available.

C. Final Pre-Trials and Trial Scheduling

1. On the date scheduled for the final pre-trial conference, the parties shall report to the appropriate trial session, and shall submit their Joint Pre-Trial Memorandum, in accordance with Standing Order 2-86, and all motions in limine. On the trial assignment date, the First Session judge shall order a date for filing of motions in limine, and their opposition, prior to the final pre-trial conference. Requests for juror voir dire, if any, shall be served and filed in advance of the final pre-trial conference in accordance with Standing Order 1-15.
2. Each Friday at 8:30 a.m., the RAJ and clerk will meet with representatives of the D.A.'s Office, CPCS, Bar Advocates, and any private counsel who wish to participate, in order to review and prioritize all trials scheduled for the following week.

D. Operation of the Trial Sessions

1. Trials will generally be conducted daily from 9:00 a.m. to 4:00 p.m., with the exception of Fridays when the trial sessions have motions to suppress, FPTC, or other matters scheduled.
2. Responsibility for quarterly Grand Jury empanelment will rotate among the trial sessions in the discretion of the Regional Administrative Justice.