

PRETRIAL CONFERENCE REPORT

Mass.R.Crim.P. 11(a)(2)(A)

DOCKET NO(s).

_____ CR _____

**Trial Court of Massachusetts
District Court Department**



Commonwealth vs. _____
NAME OF DEFENDANT

(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 _____, 20 _____, with the following results:

I. DISCOVERY

1. **AUTOMATIC DISCOVERY FOR DEFENSE.** Pursuant to Mass.R.Crim.P. 14(a)(1)(A), the prosecution has disclosed to the defense and the defense has been permitted to discover, inspect, and copy:

- [Completed]** all items and information subject to automatic discovery.
- [Not Completed]** all items and information subject to automatic discovery, *except the following:*

2. **AUTOMATIC RECIPROCAL DISCOVERY FOR PROSECUTION.** Pursuant to Mass.R.Crim.P. 14(a)(1)(B), the defense has disclosed to the prosecution and the prosecution has been permitted to discover, inspect, and copy:

- [Completed]** all items and information subject to automatic reciprocal discovery.
- [Not Completed]** all items and information subject to automatic reciprocal discovery, *except the following:*

Not yet applicable because the prosecution has not yet completed all automatic or ordered discovery.

3. **UNRESOLVED DISCOVERY ISSUES.** With respect to any discovery to which the parties are or may be entitled, automatically or by court order, pursuant to Mass.R.Crim.P. 14 and which has not yet been provided:

- The parties agree as follows *(list items and agreed upon date of delivery, inspection, etc.):*

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

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

4. **CERTIFICATE OF COMPLIANCE.** The undersigned acknowledge that each party must file a Certificate of Compliance when the party has provided all discovery required by rule, agreement, or court order, pursuant to Mass.R.Crim.P. 14(a)(3).

5. **SUBSEQUENTLY DISCOVERED MATERIAL.** The undersigned acknowledge their continuing duties regarding discovery pursuant to Mass.R.Crim.P. 14(a)(4).

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** (*Mass.R.Crim.P. 14[b][1]*). The Commonwealth hereby notifies the defendant that the time, date, and place of the alleged offense was as follows:

_____.

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing on or before _____, 20 ____, of the place(s) at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the defendant's alibi witnesses, or may here so state:

_____.

The Commonwealth agrees to notify the defendant in writing within 7 days of service of the defendant's notice of alibi, of the names and addresses of witnesses on whom it intends to rely to establish defendant's presence at the scene of the alleged offense or to rebut any of the defendant's alibi witnesses. Both parties acknowledge their continuing duty under Mass.R.Crim.P. 14(b)(1)(C) to disclose additional alibi witnesses.

8. **NOTICE OF OTHER DEFENSES** (*Mass.R.Crim.P. 14[b][2], [3]*). If defendant intends to rely upon the defense of lack of criminal responsibility or upon a defense based upon a license, claim of authority or ownership, or exemption, or parental discipline, defendant must notify the Commonwealth within 21 days of the assignment of a trial date, or may here so state:

_____.

9. **STIPULATIONS OF FACT:** _____

10. **CASE INFORMATION** (*not binding*):

No. of Witnesses: Prosecution _____ Defense _____ Estimated length of trial: _____

11. **CASE INFORMATION** (*binding*): With Jury. Jury Waived [Prepare jury waiver form for the Court].

12. **CERTIFICATION.** The undersigned certify that the information set forth above is accurate and complete as of the date of this Pretrial Conference Report. Pursuant to 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 proceedings.

Assistant District Attorney

Defense Counsel

Pro Se Defendant

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

III. COURT ORDERS

(*To be completed by Judge.*) After hearing, the Court orders as follows:

Counsel report discovery is complete. All outstanding discovery must be provided to opposing counsel by _____

Pretrial motion hearing date: _____ Filing deadline: _____ Evidentiary Non-evidentiary

Motions to be heard on trial date and witness lists must be served on the opposing party and filed no later than four (4) weeks prior to trial.

The balance of the legal counsel fee must be paid by _____. Trial Status date: _____ Trial date: _____

Justice

Date