

NORFOLK COUNTY SUPERIOR COURT CRIMINAL SESSION PROCEDURES

Norfolk County operates a room list system in which each of the two criminal sessions handles both trials and other aspects of criminal proceedings. Cases are assigned to each session as the indictments are filed and docket numbers assigned. The two criminal sessions, First Criminal Session in the Main Courtroom and Second Criminal Session in Room 25, are both on the second floor of the historic Courthouse building. The Courthouse is located at 650 High Street in Dedham, Norfolk County's shire town, and it is the sole Superior Court sitting for the county.

Trial Sessions

Trial sessions in each criminal courtroom are held generally between 9:00 a.m. and 1:00 p.m. daily. Due to issues that may arise, the trial day may run beyond 1:00 p.m. to a full day, but this is exceptional given the volume of matters that need to be handled during each session's afternoon list. Once a jury has commenced deliberation, however, the case remains held through the afternoon session to the end of that court day until the jury returns a verdict or the trial is otherwise concluded. This practice enables the judge to deal with the afternoon list while the jury is deliberating.

All trial matters are expected to be called for a final pre-trial conference roughly one week prior to their scheduled trial date in order to finalize trial scheduling, address any other logistical considerations relating to that scheduling, and handle motions *in limine*. Where cases are particularly complex, or for other good cause, the parties may request an earlier conference. Motions *in limine* which the parties wish to have heard must be properly filed and served in advance of the final conference date. The parties should be prepared to address any trial issues

not previously dealt with, such as requests for interpreters, and matters relating to witnesses including scheduling issues and any assertions of privilege at trial.

To coordinate with the Courthouse's three civil sessions, which primarily schedule Monday empanelments, criminal trials normally are scheduled to commence on Tuesdays or on Wednesdays in recognition of the greater likelihood that multi-day empanelments may be necessary in criminal cases.

Afternoon Hearing Sessions

Each criminal session hears matters other than trials at 2:00 p.m. four days per week; First Session does not schedule on Thursday afternoons, and Second Session does not schedule on Tuesday afternoons. The matters heard include arraignments, bail and detention hearings, pre-trial conferences, pre-trial hearings, unresolved discovery matters, trial assignments, lobby/sidebar conferences, changes of plea, and probation hearings.

The afternoon list may also include hearings on non-evidentiary motions to suppress evidence and motions to dismiss indictment.

Evidentiary Motions to Suppress

Motions to suppress evidence which necessitate the taking of evidence are heard on Mondays and Fridays from 9:00 a.m. to 1:00 p.m. Hearings normally take place in the session to which the case is assigned, but the matter can be transferred to the other criminal session for hearing in the event its assigned session is conducting a trial or otherwise is unavailable. If both sessions are engaged in trial, a civil session may be available to hear the motion.

Scheduling of an evidentiary motion to suppress requires that the motion with the requisite affidavit, and with memorandum of law if required, be filed with the court at the time

that a hearing is requested. The purpose is to ensure that determination of the witnesses required for the hearing and the necessary time allotment may be addressed in advance of the hearing date. For that reason, any scheduling of an evidentiary hearing requires an in-court date at which the motion is or has been filed and served and questions relating to scheduling have been resolved between the court and the parties.

Bail Reviews

Hearings on bail review petitions arising from the District Court are conducted by video-conference and are held in Courtroom 8 at the rear of the second floor. Bail reviews for detainees at Framingham Jail are heard at 11:15 a.m. Review hearings for detainees held at the Norfolk County Jail and House of Correction are held at 12:15 p.m.

Defense counsel, at his or her option, may be present at the courtroom or at the place of detention during the requested bail review hearing. In either case, counsel is afforded opportunity for further consultation with the client during the hearing, with a telephone line provided if the counsel is physically at the courthouse.

In any case in which a defendant is seeking review of an order of detention under G. L. c. 276 § 58A, which requires the taking of evidence, counsel would need to consult with a criminal session clerk at the time of the filing of the review petition to arrange for scheduling of the evidentiary hearing before a judge.