

Judge Maureen O'Connor
Stevensville City Court
206 Buck Street
Stevensville, MT 59870-0030
406.777.5271

**IN THE CITY COURT OF STEVENSVILLE, RAVALLI COUNTY, STATE OF MONTANA
STANDING ORDER FOR CRIMINAL CASES**

Procedure in City Court is governed by the Montana Justice and City Court Rules of Civil Procedure and the Uniform Rules for the Justice and City Courts. Failure to follow the court rules may result in the failure to properly prosecute or defend an action in city court.

INITIAL APPEARANCES/ARRAIGNMENTS

The Court will conduct initial appearances and arraignments each **Wednesday beginning at 9:00 a.m.** provided the Court may make schedule modifications due to holidays, absences and other conflicts.

REGULAR LAW AND MOTIONS

The Court will normally schedule criminal Law and Motions on **the second and fourth Wednesday of each month beginning at 1:00 p.m.** provided the Court may make modifications due to holidays, absences and other conflicts.

APPEARANCES AND SUBMITTALS/FILINGS/MOTIONS

1. Defendant shall be present for **ALL** hearings unless his/her personal presence is excused by the Court. **Failure of a defendant to appear will be cause for the issuance of a bench warrant, driver's license suspension, and/or loss of jury trial right and/or trial in absentia.**
3. The Court will accept submittals/filings/motions in an electronic (e-mail) or fax format provided that the original documents be filed with the Court on or before the hearing or required action date.
4. All electronic submittals/filings/motion shall be sent to Clerk of the Court.

OMNIBUS HEARINGS AND FORMS

1. The Court will set an Omnibus Hearing date for defendants entering a plea of *not guilty*, within approximately 45 days after acceptance of the plea.
2. The Discovery process will commence upon notice to the parties of the setting of the Omnibus hearing.
3. Pre-trial motions not filed prior to the Omnibus hearing, must be filed within ten (10) days of the omnibus hearing with reply briefs due within ten (10) days of service of the motion(s).
4. An Omnibus Memorandum may be completed and signed by both parties **prior** to the hearing, unless there are issues the parties need to discuss. Discovery issues, pre-trial motions and notices will be addressed in the Omnibus Memorandum at the Omnibus hearing.
5. If the parties have completed and signed the Omnibus Memorandum in a timely manner (i.e., at least 48 hours in prior to the hearing date/time) and the parties agree that there are no other issues to be addressed, the Court may waive the hearing.

DISCOVERY

1. Discovery is reciprocal and shall be exchanged pursuant to MCA 46-45-332.
2. Requests for discovery shall be directed to the attorney(s) assigned to the case and every effort shall be made to avoid oral discovery requests during the Law and Motion calendar.

TRIAL DATES

A trial date will be set by the Court at the conclusion of the Omnibus hearing, (generally on a Friday for jury), at least 30 to 45 days following the hearing, thereby allowing time for the parties to prepare for trial or reach a plea agreement.

JURY CONFIRMATION HEARINGS

1. The Court will set a pre-trial jury confirmation hearing approximately 14 days prior to the trial date or at the Court's regularly scheduled Law and Motion date.
2. The defendant and counsel **shall** attend.
3. **Failure of the defendant to appear at the confirmation hearing will constitute a waiver of a jury trial by the defendant and will be cause for the issuance of a bench warrant and/or driver's license suspension.**
4. The parties may consent in writing to waive a jury trial at any time prior to the jury confirmation hearing.

SPEEDY TRIAL ISSUES

1. The Court is extremely concerned that defendants be given a speedy trial. Delays caused by continuance requests without a reasonable justification will NOT be allowed.
2. All requests for a continuance shall be made to the Court in writing at least 48 hours in advance of the scheduled trial date and shall indicate the party to whom the continuance will be counted.

PLEA AGREEMENTS/CHANGE OF PLEA/DEFERRED PROSECUTION AGREEMENTS

1. Defense counsel shall complete the Acknowledgement and Waiver of Rights and the Sentencing Order prior to a change of plea hearing. This includes filling in the defendant's name, case number, charge and maximum penalty.
2. Plea Agreements and Deferred Prosecution agreements shall be submitted to the Court in writing.
3. When a defendant enters a *Nolo Contendere* plea, the prosecutor shall give the Court a statement of facts as to what could be proven at trial.
4. When a defendant pleads guilty, the defendant shall give a factual basis for the guilty plea to the Court.

JURY INSTRUCTIONS AND TRIAL BRIEFS

1. Seven days prior to trial parties will file and serve proposed jury instructions, verdict forms and a trial brief setting forth a theory of the case, the issues involved and a statement of authorities upon which each party intends to rely as to the law of the case and in support of the introduction of evidence.
2. Additional instructions may be submitted upon a showing of good cause.
3. There shall be two sets of Jury Instructions submitted; a clean copy for the jurors and a copy with citations. On the clean copy, there must be a signature line for the judge and a line to allow for the numbering of instructions. On the copy with the citations, there must be a section which states who is offering the instructions, whether it is given, withdrawn or refused, and the proposed number.

FINAL PRE-TRIAL HEARING

1. If a case is confirmed for jury trial, a final pre-trial hearing will be held on the preceding Wednesday at either 9:00 a.m. or 1:00 p.m., that being two (2) days before the trial date. If the aforementioned date falls on a non-judicial day, the Court will set an alternative date.
2. **Failure of the defendant to appear at pre-trial will constitute a waiver of jury trial by the defendant and will be cause for the issuance of a bench warrant and/or driver's license suspension.**

3. The exchange of final witness and exhibit lists, motions in limine as well as open pleas will occur at the final pre-trial hearing.

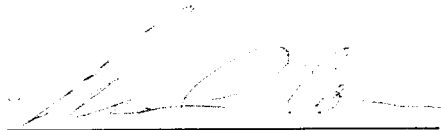
TRIALS

1. All cases confirmed for trial will proceed on the date scheduled by the Court. **Failure of a defendant to appear will be cause for the issuance of a bench warrant, driver's license suspension, and/or loss of jury trial right and/or trial in absentia.**
2. Once a case is confirmed for trial, motions to continue for unforeseen circumstances will be granted sparingly. Prosecutors and defense attorneys should not confirm for trial unless they are actually prepared to proceed on the date set by the Court.


SENTENCING/RESTITUTION

The Court will immediately impose sentencing on a defendant convicted following a trial or change of plea, unless either of the parties requests a separate Sentencing Hearing. Any Sentencing Hearing will be held within 30 days of the trial date. Issues involving claims of restitution will be held at a combined Restitution-Sentencing Hearing, unless the parties have reached a stipulation regarding an appropriate restitution amount.

SO ORDERED:



Hon. Maureen O'Connor
City Court Judge



Date