

31st Judicial Circuit

FELONY CASE

MANAGEMENT PROCEDURE

Section 1. General Provisions

1. The 31st Judicial Circuit is implementing a differentiated felony case management procedure (CMP) to handle felony criminal cases.
2. The CMP is based upon best practice recommendations as established by the Bureau of Justice Assistance and National Center for State Courts.
3. The goal of a differentiated case management procedure is to create efficiencies and certainty within the circuit regarding how cases will move through the court system.
4. Felony cases will be primarily handled by three circuit divisions, Division 2, Division 4, and Division 5.
5. The Criminal Justice Roundtable was invited to provide feedback and contribute to these procedures.
6. These procedures will be implemented in a series of steps beginning in January 2024.
7. Each division handling a primary criminal docket is agreeing to follow these case management procedures.
8. The Criminal Justice Roundtable will assist in monitoring the effectiveness of these procedures and provide meaningful feedback as it becomes available.
9. The time standards utilized in the CMP are intended to assist the court in meeting the time standards set forth by the Missouri Supreme Court. Upon good cause shown and as allowed by law, the court may enlarge or shorten any time standard in any individual case.

Section 2. Case Classification

1. Cases will be classified in one of the following categories: Expedited, Standard, or Complex.
2. Cases will be assigned dates according to the classification. Note - A case can be recategorized by the assigned judge at their discretion.
3. Classification of cases:
 - a. Expedited Cases
 - i. Defendants who have filed for speedy trial pursuant to the Uniform Mandatory Disposition of Detainer Law or the Interstate Agreement on Detainers Act.
 - ii. Defendants who have filed for speedy trial pursuant to Section 545.780, RSMo.
 - iii. Defendants held without bond and have requested disposition within 120 days pursuant to Rule 33.01(d).
 - iv. Defendants charged with offenses in which a treatment court or restorative justice resolution is announced at the time of filing the information. This includes but is not limited to drug possession and driving while intoxicated.
 - b. Standard Cases
 - i. Most felony cases.
 - ii. Trial is expected to be conducted in no more than 3 days

- c. Complex Cases
 - i. Serious felony cases including murder, manslaughter, child sex offenses, adult sex offenses, and assault 1st degree.
 - ii. Cases involving five or more counts.
 - iii. Trial is expected to last 3 days or more.

Section 3. Arraignments

1. Upon a finding of probable cause, waiver of preliminary hearing, or filing of an indictment, the defendant will be required to answer the charge in circuit court.
2. Felony cases will be randomly assigned pursuant to Rule 6 of the 31st Judicial Circuit Local Court Rules and any applicable administrative order of the Presiding Judge.
3. Arraignments will be conducted on Friday mornings at 8:30 a.m.
 - a. At the time the State files the felony information, the State will file with the court the requested case classification – expedited, standard, or complex.
 - b. At arraignment, the court will begin managing the case toward resolution.

Defense counsel is expected to provide information regarding:

 - i. what type of hearing is requested – case management conference, plea date, bond hearing, and/or other motion hearing;
 - ii. the status of an offer; and
 - iii. if a specific case classification is requested – expedited, standard, complex.

c. Waiver of Appearance:

Written waivers of appearance at arraignment are encouraged, and should be filed at least twenty-four hours before the scheduled arraignment. The waiver of appearance will be accepted if all necessary information is included in the waiver. See Section 3.3.c. Additionally, Attachment A, Written Waiver of Appearance For Arraignment Plea of Not Guilty and Request for Setting, can be used or counsel may provide a written waiver in a different format with all necessary information. If a written waiver of appearance at arraignment is filed, the attorney must provide the next court date to the defendant.

** A waiver of appearance at arraignment will not be accepted on any charge of murder in the first degree or murder in the second degree.

d. Resetting an Arraignment:

If the felony information is not on file by end of day on the Wednesday before the Friday arraignment, defense counsel may request that the arraignment be reset one week. This request may be made by email to the division clerk so long as the assigned APA is copied on the request.

e. Unless a different request is made, a case management conference will be set based upon the case classification. The first case management conference (1CMC) will be set based upon these general time frames:

- i. Expedited case, 1CMC will be set approximately 60 days after arraignment;

- ii. Standard case, 1CMC will be set approximately 90 days after arraignment;
and
 - iii. Complex case, 1CMC will be set approximately 120 days after
arraignment.
- f. Counsel must notify the defendant of the 1CMC date and inform the defendant that they are required to appear at the 1CMC date unless their appearance is expressly waived.
4. Guilty Plea at Arraignment:

It is presumed that a defendant will be entering a not guilty plea at arraignment. If a defendant is requesting to enter a plea of guilty at arraignment, counsel must contact the division clerk before the arraignment and request a plea date. A date for arraignment and plea will be set by the division clerk.

Section 4. First Case Management Conference - 1CMC

At the first case management conference (1CMC), each party must be ready to provide the necessary information for the court to help steer this case toward resolution. Resolution as used in this document simply means the case is concluded and is no longer an active case on the docket. If counsel of record or the attorney assigned the case cannot be present, it is their responsibility to ensure that whomever is covering for them can answer the court's questions.

1. Expectations at 1CMC

The defendant is required to appear in person with counsel unless their appearance is expressly waived. As appropriate for each individual case, the court will inquire about the following:

- a. General questions the State should anticipate answering.
 - i. Has a plea offer been extended?
 - ii. Does the plea offer have a deadline?
 - iii. Are plea negotiations ongoing?
 - iv. Has all discovery been provided? If not, when will all discovery be provided?
 - v. Does the State anticipate filing any evidentiary motions (propensity, 491, etc)?
- b. General questions the defense should anticipate answering.
 - i. What type of setting is being requested? A trial, plea, second case management conference, or other.
 - ii. Has the defendant been advised of the plea offer and any deadline set by the State?
 - iii. Are plea negotiations ongoing? If so, what is needed to facilitate the negotiations?
 - iv. Is there any reason to believe the defense does not have all discovery?

If some discovery is believed missing, the defense should notify the State of what is believed missing in writing (email is sufficient) by the 1CMC.

- v. Has all discovery been provided? If not, when will all discovery be provided?
- vi. Has the defendant decided if depositions will be taken? If yes, a deadline will be set for scheduling and taking the depositions.
- vii. Has the defendant decided if any motions requiring an evidentiary hearing will be filed? If yes, a deadline will be set for filing the motion.

2. The Next Setting.

a. Plea - Waiver of Appearance at 1st CMC.

The appearance of the defendant and counsel may be waived and the 1CMC quashed at the court's discretion if the defendant is requesting a plea date. To request waiver of appearance, counsel must email the State and the division clerk at least 48 hours before the setting. An agreeable plea date will be coordinated by email conference.

b. A Second Case Management Conference - 2CMC

The second case management conference will be set based upon these general time frames.

- i. Expedited cases, 2CMC will be set approximately 30 days after 1CMC.
- ii. Standard case, 2CMC will be set approximately 90 days after 1CMC.

iii. Complex case, 2CMC will be set approximately 120 days after 1CMC.

c. Other Setting

If either party is requesting a setting for a different type of hearing, the court will consider the request and response of each party.

Section 5. Second Case Management Conference - 2CMC

At the 2CMC, the court expects to set the case for trial or plea. The defendant and counsel must appear unless their appearance is expressly waived by the court. A request for third or subsequent case management conference (3CMC) will only be granted upon good cause shown.

1. Plea – Waiver of Appearance at 2CMC

The appearance of the defendant and counsel may be waived and the 2CMC quashed at the court’s discretion if defendant is requesting a plea date. To request waiver of appearance, counsel must email the State and the division clerk at least 48 hours before the setting. An agreeable plea date will be coordinated by email conference.

2. Trial

a. Jury Trial

Each division will publish the anticipated jury weeks for the upcoming year. Parties will be given the opportunity to request a specific week. For a

standard case, parties should anticipate a jury trial within 90 days of the 2CMC. The case will be set for jury trial and a docket call.

b. Bench Trial

If a defendant is requesting a bench trial, the waiver of jury trial should occur at the time the case is set for trial. A request to waive jury trial will not be automatically granted after a case is placed on a jury docket. The trial court will require good cause to waive a jury trial late. Additionally, the closer to the jury trial date the waiver is requested, the less likely it is to be granted.

Section 6. Third Case Management Conference - 3CMC

The court will only set a third or subsequent case management conference upon a showing of good cause. The defendant is expected to appear with counsel unless their appearance is expressly waived. Good cause will be determined by the trial court upon motion setting forth the grounds necessary for the continuance and delay.

Section 7. Pretrial Conference

1. The Setting

The court will conduct a pretrial conference docket call approximately one week before the jury trial setting. The purpose of this hearing is to finalize the order of cases to be tried and determine what if any motions or issues must be resolved prior to trial. The defendant and counsel who will be trying the case shall appear at this setting.

2. The Order of Trials

a. Proposed Order of Trials

Parties may submit a proposed order of cases set for trial. This order should be sent to the judge and division clerk. The court will publish a proposed order prior to the docket call date as it is available. As a general rule, cases will be set in the following priority:

- i. Statutory priority such as detainer or speedy trial.
- ii. In custody - prioritized with longest in custody to be tried first.
- iii. Out of custody – prioritized based upon age of case.

b. Final Order for Trial

At the conclusion of the pretrial conference docket call and after review of the cases remaining for trial, the court will set a final order of trial. Attorneys must remain in contact with the court regarding the order of trial. Unless a case is expressly continued, parties should remain ready for trial until notified otherwise.

3. Negotiated Pleas

The court will not accept a negotiated plea agreement after the pretrial conference. The court may consider a modification to this deadline upon written request with good cause. However, parties should expect that any plea after the pretrial conference will be an open plea.

4. Case management Motions

Pretrial motions such as Motions in Limine, Motion to Appear in Street Clothes, etc., should be filed no later than the pretrial conference. Parties should expect that pretrial motions will be heard on the afternoon of the pretrial conference.

Section 8. Jury Trial

At this time, a standardized pretrial order is not being adopted. Each division will make pretrial orders as appropriate based upon the unique issues of each individual case.