

EXTENSION OF TEMPORARY CIRCUIT COURT POLICY REGARDING AVAILABILITY OF PLEA JUDGES
(7/1/20)

Beginning on June 9, 2020, the court implemented a temporary change in policy so as to make, all 24 active Circuit Court judges plea-eligible in Track 2, 3, and 4 criminal cases. This policy has resulted in approximately 50 plea agreements thus far. While the policy was scheduled to end on Thursday, July 2, the court has been informed that many incarcerated defendants have not had the opportunity to meet extensively with counsel at the jail because of visiting restrictions imposed because of the Covid-19 pandemic. Those restrictions have now been eased, with the possibility that the affected defendants can speak more extensively with counsel, which may result in the consummation of plea agreements.

Accordingly, the court will be extending the deadline for reaching these agreements from Thursday, July 2 to Friday, July 31, 2020. This means that if the State and defense counsel agree on a plea to be entered before any active judge, the matter will be scheduled at the earliest possible time. Individual judges may choose to hear the pleas remotely and/or defer sentencing in appropriate cases. Pleas will be heard subject to the availability of that particular judge. If certain judges receive a disproportionate number of pleas such that they cannot be scheduled within a reasonable amount of time, the parties will be notified and asked to agree upon another active judge.

This procedure is available for pre-indictment pleas, and even though a pretrial date has already passed. It is **not** available where a case has already been set for a resolution conference before a senior (retired) judge, or a particular active judge is already scheduled to hear the plea, nor in the event that a plea has already been taken and sentencing has been deferred. It is also **not** available for appeals or jury-demanded cases from the District Court.

If the State and defense counsel agree on a plea before the active judge, counsel should contact the judge before whom the plea is to be taken by telephone. The judge will notify the Assignment Office of the date and time for the proposed plea, and make arrangements for remote participation, if necessary. Judges should schedule the plea for no later than 9:00 a.m. on a morning docket, or else in the afternoon so as not to interfere with existing caseload. Defense counsel in all pleas should consider the possibility of remote pleas where warranted. The plea must be set before the close of business on Friday, July 31, and should be heard as soon thereafter as possible. It is not anticipated that the policy will continue past July 31, because dockets are beginning to fill up as the court moves through Phase III of reopening on July 20.

Existing resolution conference dockets with senior judges will continue, and senior judges will be available to preside over them per the existing practices. Procedures have been developed to hear some of those cases remotely, as well.

Robert A. Greenberg, Administrative Judge