

## Criminal Trial Process

### Summary:

1. All cases set for criminal trial assignment shall be calendared on a Monday at 8:45 a.m. in Dept. 9. If Monday is a court holiday, cases shall be calendared for Tuesday that week.
  
2. All cases set for criminal trial assignment must set a trial readiness conference (TRC) on Monday through Thursday, two weeks (7 to 10 court days) before the trial date. TRCs may not be set sooner than 7 court days before the trial date.

At the TRC, counsel must notify the Court of their readiness to begin trial. If the Court confirms the trial, the case will remain calendared for trial as previously set. If the Court grants a motion to continue the trial, parties must set new dates for TRC and trial. Only cases the Court confirms for trial at the TRC will remain on the Department 9 Trial Calendar, and be assigned out the following Tuesday to a trial department.

If a matter is going to resolve with a plea for felony probation and immediate J&S, the defense attorney shall obtain probation conditions from the Probation Dept. The Probation Dept. liaisons can be contacted via email or in-person by visiting them in their offices located behind Depts. 60 and 61 at the jail court facility or on the 2<sup>nd</sup> floor at GDS. When emailing for conditions, the defense attorney shall include the following:

- a. Defendant's name and x-ref. #,
- b. Terms of the plea, and
- c. Name of the DDA handling the case.

Probation Email: [AdultCourtLiaison@saccounty.net](mailto:AdultCourtLiaison@saccounty.net)

3. All counsel on cases confirmed for trial at TRC must check in via the automated system, during the specified check-in window, and provide the estimated trial length. This window is between 8:00 a.m. on Friday, 6 court days before the trial date, and 12:00 p.m. on Monday, one week before the trial date. Self-represented defendants shall notify the Court of their trial length estimate via email at [Dept9@saccourt.ca.gov](mailto:Dept9@saccourt.ca.gov). An attorney who fails to check in, as

required, may be subject to sanctions pursuant to section 177.5 of the Code of Civil Procedures and the Standing Order Regarding Criminal Trial Assignments, issued by the Presiding Judge of this court on April 18, 2022.

Trial assignments will be made by the judge in Dept. 9 by 2:30 p.m. on Tuesday, the week (4 court days) before the trial date, and will be posted on the Sacramento Superior Court website at the following location: <http://www.saccourt.ca.gov/criminal/attorney-assignments.aspx>. If Monday is a court holiday, trial assignments will be made by the judge in Dept. 9 by 9:00 a.m. on Wednesday. Attorneys are required to check the posting for their trial assignments. The trial assignment order will also set a pretrial conference with the assigned trial judge on the Wednesday, Thursday or Friday before the trial date. All counsel and defendants shall personally appear at the pretrial conference and be prepared to litigate the in limine motions.

Effective, April 24, 2023, cases for which all attorneys check in “Not Ready” or indicate that they have reached a resolution, will be removed from the Dept. 9 Trial Calendar and confirmed for their Trial Status Conference in the home court department on the same date as the trial, at 1:35p.m. Additionally, all cases for which the District Attorney requests to trail the trial, and the last day or trail period expires beyond the following week will be removed from Dept. 9’s Trial Calendar and confirmed for the Trial Status Conference in the home court. All counsel and defendants shall personally appear for these matters.

All cases that are not assigned to a trial judge nor reset to a home court, will be placed on standby or be directed to appear in Dept. 9 on the scheduled trial date. Standby designation will apply to approximately 10 cases per week. All parties on standby cases that remain unassigned at 4:00 p.m. on Friday the day before the scheduled trial date will report in-person to Dept. 9 on Monday at 8:45 a.m. Further trial assignments may be made in Dept. 9 on Monday at 8:45 a.m.

4. If, pursuant to CCP 170.6, any party intends to exercise a challenge to the judge assigned to preside over the trial, that party shall send an email to the Court at [Dept9@saccourt.ca.gov](mailto:Dept9@saccourt.ca.gov)

and [MasterCalendar@saccourt.ca.gov](mailto:MasterCalendar@saccourt.ca.gov), and to all opposing counsel, no later than 4:30 p.m. on the day of trial assignment. Counsel shall include a fully executed CCP 170.6 form with the email. If a trial assignment is made after 4:00 p.m. (on any standby case), the fully executed form must be emailed to the Court by 9:00 a.m. the next day. If a trial assignment is made on Monday at 8:45 a.m. in Department 9, a fully executed CCP 170.6 hardcopy form shall be filed immediately upon assignment.

5. All parties shall file hardcopies of all in limine motions with the assigned trial department at the time of the pretrial conference or sooner if directed by the trial judge. Any witness that may be necessary for an in limine motion shall be personally present at the time of the pretrial conference.
6. Witnesses may still be subpoenaed to appear in Dept. 9. Attorneys should notify witnesses of the department to which the assignment is made. The Court will post daily assignments on the wall outside of Dept. 9. Dept. 9 staff will be available to direct witnesses to assigned departments.

If necessary, attorneys may request to calendar the matter for witness recognition only, to allow an attorney and witness to appear in Dept. 9 on a date set for trial. Attorneys must email a copy of the proof of service and witness recognition form to [Dept9@saccourt.ca.gov](mailto:Dept9@saccourt.ca.gov) two days prior to the date set for witness recognition.

7. A modified schedule for the summoning of jurors will be utilized to prevent large crowds from gathering in the courtroom hallways. The Court will summon panels for specific cases/departments at staggered arrival times which will report directly to the assigned courtroom.
8. All exhibits shall be provided to the courtroom clerk in their physical form. Exhibits shall be provided at the earliest opportunity but no later than at the start of the pretrial conference. Counsel shall coordinate delivery of the exhibits directly with the courtroom clerk. The Courtroom clerk will mark all exhibits and prepare exhibit lists. Counsel are encouraged to

provide a full and complete photographic record of large exhibits instead of the physical item pursuant to Penal Code section 1417.3.

Counsel shall meet and confer to identify those exhibits that may be admitted without objection and those exhibits as to which admissibility is contested prior to the start of the pretrial conference.