

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT AT KOTZEBUE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 VS.)
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)
 ALL DEFENDANTS.)
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STANDING FELONY PRETRIAL ORDER

(1) Judicial Assignment. At arraignment, all Superior Court criminal cases are assigned to Superior Court Judge Paul A. Roetman.

(2) Calendaring. At arraignment, all Superior Court criminal cases shall be scheduled for an Omnibus hearing approximately 45-60 days from the date of arraignment. All cases will be set for a trial week approximately 75-90 days from the date of arraignment. Any objections by the Defense to the set Trial Week as possibly violating AK CrR 45, shall be filed within five (5) days of arraignment. Any request for a continuance or change in date of the pretrial and trial proceedings must show good cause.

(3) Grand Jury CD & Transcript Request. If counsel wishes CD discs of the grand jury testimony, pursuant to CrR 6(m), such may be requested from the court. If any party thereafter wishes a typed transcript of any grand jury testimony, they shall be responsible for its preparation.

(4) Prosecutor’s Discovery Obligations. Within ten (10) days after arraignment, the prosecuting attorney shall disclose to defense counsel and make available for inspection and copying all information and material within the possession and control of the prosecuting attorney which is required to be disclosed by CrR 16. Such materials coming into the prosecuting attorney’s possession or control after that date shall be disclosed promptly without necessity of a request or further order of this Court.

Unless otherwise directed, the prosecuting attorney shall, upon the written request served and filed by the defense counsel, disclose and permit inspection, testing, copying and photographing of any relevant material and information regarding: specified searches and seizures; the acquisition of specified statements from the accused; and the relationship, if any, of specified witnesses to the prosecuting attorney. It is the responsibility of counsel to notify the Court and opposing counsel of (1) any inability to meet any of these deadlines; and (2) any discovery materials that are known to exist and that have not been provided as set forth herein. Discovery duties are continuing, not requiring further Court order.

(5) Defense’s Discovery Obligations. Within 40 (forty) days of trial, defense counsel shall disclose to the prosecuting attorney and make available for inspection and copying, any reports or statements of experts made in connection with the case, including results of physical or mental examination and of scientific tests, experiments or comparisons which are intended by the defendant to be used at trial. Such materials coming into defense counsel’s possession or control after that date shall be disclosed promptly without the necessity of a request or further order of this Court. It is the responsibility of counsel to notify the Court and opposing counsel of (1) any inability to meet any of these deadlines; and (2) any discovery materials that are known to exist and that have not been provided as set forth herein. Discovery duties are continuing, not requiring further Court order.

(6) Time for Confrontation Clause Objections to Analyst Reports. Any objection to the testimony of an expert witness based upon Alaska R. Evid. 104(a), 401, 403, 702 or 703 will be deemed waived unless filed, in writing, not later than ten (10) days after receipt of the written description of the substance of the proposed testimony required by CrR 16. The prosecuting attorney shall provide notice to the defendant of any intention

to use an analyst's report as evidence at trial, after which the defense counsel shall have ten (10) days to object in writing to the admission of the evidence absent the analyst's appearance live at trial. Without written objection the report shall be admissible.

(7) Defense Disclosure of Alibi, Affirmative & Excuse Based Defenses. No later than the time of the Omnibus Hearing, defense counsel shall disclose in writing to the District Attorney's office any intention to present a defense on the basis of alibi, justification, duress, entrapment, diminished capacity, coercion, or other statutory or affirmative defense. CrR 16(c)(5). Notice of any insanity defense and/or mentally ill defense is governed by the time requirements of AS § 12.47.010(b) and AS § 12.47.020(a).

(8) Pre-Trial Motions. All motions shall be served and filed no later than ten (10) days prior to the date scheduled for the Omnibus Hearing. All motions, oppositions and replies shall be filed according to CrR 42.

(9) Requests for Evidentiary Hearings / Oral Argument. Unless a request for an evidentiary hearing or oral argument is filed according to CrR 42, it shall be deemed waived. Oral argument may be permitted at the Omnibus Hearing. If counsel requires an evidentiary hearing, or a hearing as to a motion or matter, they shall comply with CrR 42(e), (f) and contact the Clerk's Office for a suitable time.

(10) Request for Translator. The Court must be notified no later than the date of the Omnibus Hearing of any need for translation services at the trial. Counsel are to notify the Court at least ten (10) days prior to any hearing of any translation services needed.

(11) Presence Required. Defendant must appear personally or telephonically for omnibus hearings, if announcing ready for trial, and for trial call. Defendant must be present personally for trial. Criminal Rule 38 and 38.1.

(12) Jury Instructions. Jury instructions, including, but not limited to, the elements of the offense, defense, and lesser-included offenses, shall be filed by no later than five (5) days prior to trial.

(13) Guilty Finding, Pre-Sentence Report. In the event the defendant is found guilty, a sentencing hearing will be set by the court. Unless otherwise ordered, a pre-sentence report shall be prepared by the Department of Corrections. CrR 11(e)(1); CrR 32.1(a)(1). In the event a defendant seeks to challenge any information in the pre-sentence report, notice of intent to enter a testimonial denial shall be filed in writing with the court within ten (10) days after the report is received.

(14) Order of Compliance, Sanctions. Upon a showing of good cause an application may be made for adjustment of the deadlines or the disclosure required by this Order. Unless otherwise ordered, the prosecuting attorney and defense counsel are HEREBY ORDERED to comply with the terms of the foregoing or to appear at the Omnibus Hearing prepared to show cause why appropriate sanctions under CrR 50(c) or CR 95(b) should not be imposed.

IT IS SO ORDERED.

Dated at Kotzebue, Alaska this 24th day of January, 2022.



PAIRA

PAUL A. ROETMAN
Presiding Judge
Second Judicial District