

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA)
)
 Plaintiff,)
 vs.)
) Case No. 3AN-_____ CR
)
 _____)
 Defendant.)
 _____)
)

FELONY TRIAL SCHEDULING ORDER

- 1. **Selected Trial Month:** The defendant has selected the month within which trial should occur. The prosecution has verified that witnesses are available. A trial call hearing will be held in the middle of the month before the trial month to establish the sequence in which cases will proceed to trial.
- 2. **Criminal Rule 45:** As of the date of this scheduling hearing, _____ day(s) have run. A party must file any objection within five days in writing or the objection will be waived.

The defendant’s selection of the trial month constitutes a tolling of Rule 45 from the date of the scheduling hearing until the last day of the month selected. Rule 45 will begin running on the first day after the selected trial month.

- 3. **Hearing Dates and Deadlines:** Filing deadlines are mandatory. Unless the court otherwise directs, failure to comply with these deadlines shall be deemed a waiver of the scheduled proceeding and/or subject counsel to sanctions as provided by law.

A. Selected Trial Month: _____
Estimated Trial Days: _____
B. Trial Call Hearing: _____

Hearings will be held at:
2:30 p.m. in Courtroom _____ before Judge _____

- 4. **Shortened Periods for Certain Peremptory Challenges.**
If a judicial assignment is made in a criminal case at trial call or during the scheduled trial month, the time for filing a Criminal Rule 25 peremptory challenge to the newly assigned judge shall be two business days following notice.

I certify that on the _____ day of _____ a copy of the above was distributed to each of the following: DAO PDA/OPA-AJR
 Other Defense Counsel _____ Assigned Judge
_____ Clerk

5. Motions.

- a. *Daubert-Coon* motions must be filed at least 30 days before the first day of the trial month to allow time for an evidentiary hearing if one is needed. Failure to file these motions by the deadline will constitute a waiver of the issue.
- b. The proponent of evidence is subject to **Evidence Rule 404(b)** shall file a motion to allow that evidence at least thirty days before the first day of the trial month to allow time for evidentiary hearing if one is needed. The proponent must identify the specific conduct sought to be admitted and the Rule 404(b)(1) theory of admissibility. Failure to file the motion by the deadline will constitute a waiver of the issue and prohibition of the evidence.
- c. Motions *in limine* and motions for trial protective orders must be filed at least two days before the first day of the trial month to allow time for an evidentiary hearing if one is needed. Failure to file these motions by the deadline will constitute a waiver of the issues.

6. Bail Hearings.

Bail hearings must be requested in writing through Calendaring by faxing to 907.264.0637 a completed Application for First Bail Review Hearing (CR-301) or Application for Second or Subsequent Bail Review Hearing (CR-302). Bail hearings will be set by Calendaring before the first available judge. Bail review is limited to the requests made on forms CR-301 and CR-302. If a defendant is unable to proceed at the scheduled bail hearing, the bail hearing will be continued to the next available date and time. Bail hearings will not be scheduled before the assigned judge unless that judge makes that request.

7. Effective Date.

This Order applies to all felony cases a) filed on or after October 15, 2018, or b) that have a pretrial conference after October 15, 2018.

Date

Catherine M. Easter
Deputy Presiding Judge
Superior Court – Criminal Dept

Date

William Morse
Presiding Judge
Third Judicial District