

**PROTOCOL FOR APPEARANCES BY OUT-OF-JAIL DEFENDANTS**  
**NEGOTIATED PLEA AND CONSENT REVOCATION DOCKETS**

**Case Management Process**

- Case managers will designate on the Court's calendar NGP Dockets for the entry of completed negotiated pleas and/or consent revocations by Defendants who are out on bond or released on recognizance. Webex meetings will be pre-scheduled by Case Management and forwarded to the stakeholders once the docket is completed.
- An initial notice, by mail and/or email, shall be sent to the Defendant, the State, the PD and the local criminal defense bar notifying of upcoming plea hearings and shall urge the Defendant and defense counsel to meet as soon as possible to prepare the case for court.<sup>1</sup>
- The Notice card will inform the defendant that the proceeding will be by videoconference, requiring a device with internet access and a camera. [Preferably, the Cisco WebEx application should be on the device.]
- Defendants without a useable email address must appear for the hearing at the WebEx room.
- When the case is ready for court, the Case manager will schedule cases solely by email, if any [which must be provided by defense counsel pursuant to Standing Order of June 12, 2020], for all additional settings, if any, for the Defendant. Also, this email notice will include the WebEx invitational information.
- These notice requirements to Defendant may be waived when defense counsel requests and receives the date and time of the video court hearing and has notified the client, e.g., cases placed on dockets on short notice, etc.
- In addition, the notice will also appear online in the public access dockets at chathamcourts.org
- Judges and case managers will set the maximum number of cases per hour and per session.
- Cases will ordinarily be called in the order they appear on the docket. Persons awaiting a hearing will be placed in the waiting room and admitted into the video court when the court is ready to proceed.
- Every defendant on a docket will receive an identical invitation (to be forwarded by defense counsel) to appear on video regardless of defendant's location at the time of the plea.
- Non-negotiated guilty pleas and/or contested probation revocations will be separately scheduled.
- **ONLY** cases in which the plea petition has been signed by defendant will be heard. A Defendant who has not completed the execution of all necessary documents will be moved to the next available docket.
- Defense Counsel must return the executed plea packet to the Clerk of Court at least 24 hours **prior to the hearing date** and notify the criminal case manager simultaneously of the submission to the Clerk. The packet should contain all necessary documents to complete the plea process [e.g. release orders, restriction of public access to first offender records, nolle prosequi, etc.]

**Defense Counsel shall:**

- Meet beforehand with client to have all necessary documents signed or prepare a certification of counsel providing he/she has obtained expressed permission to execute documents on the client's behalf[.
- Request a time and date of hearing from Criminal Case Management when the case is ready to be heard. Once the date has been requested, the Webex meeting will be forwarded to the defense counsel, which shall be forwarded to his/her client.
- Appear remotely unless counsel wishes to appear at the Webex room with the client. Masking and distancing requirements shall be observed.

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<sup>1</sup> Cases not addressed within a reasonable time will be placed on a Rule Nisi docket to show cause why the Court should not take further action.

- Notify the Court as soon as possible but not less than 5 days prior to the hearing whether language-communication assistance will be needed for the hearing and/or, if attendance at the WebEx room will be utilized, whether ADA-physical assistance is needed.
- Prepare the client for the hearing and video court. Defense counsel must provide a copy of the instructions attached as “Exhibit A” to Defendants.

### **Reporting to Community Supervision**

Defendants will be instructed to report for initial appointment at the State Probation Office at 9 a.m within 48 to 72 hours following the date of the plea hearing or as directed by the court.<sup>2</sup>

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<sup>2</sup> The Department of Community Services could provide these documents to the Public Defender’s and defense bar in supply beforehand.