

STATE OF RHODE ISLAND

PROVIDENCE, SC.

SUPERIOR COURT

PROTOCOL FOR PROVIDENCE COUNTY DAILY CRIMINAL CALENDAR

I. GENERAL PROVISIONS

- Effective January 3, 2022 and until further order of the Court, the Providence County Daily Criminal Calendar will no longer be heard on two separate calendars. The Providence County Miscellaneous Criminal Calendar, which was created at the height of the pandemic to limit the number of individuals in any one courtroom will conclude on December 18, 2021. All criminal matters previously heard on the Daily Criminal Calendar in Courtroom No. 9 will be returned to Courtroom No. 9 with the following exceptions as they will remain on the Cost, Fines and Restitution Calendar:
 - Motion to Expunge
 - Motions to Vacate NCOs
 - Technical Violations (including restitution)
 - Technical Sentence on Violation Hearings (including restitution)
 - Restitution Reviews
 - Cost Reviews
 - Warrants

II. SCHEDULED VIOLATION/BAIL VIOLATION/BAIL HEARINGS WITHOUT WITNESSES

- If counsel are able to reach an agreement without court intervention, the parties may submit their proposal to the court at DailyCrim9@courts.ri.gov, as well as to the assigned duty judge for the scheduled appearance date. The email should include a short description of the case and the basis for the proposed disposition. The email **must be submitted at least one day prior to the scheduled hearing date.** If the agreement is approved, a disposition date will be scheduled.

III. VIOLATION/BAIL VIOLATION/BAIL HEARINGS WITH WITNESSES

- With respect to cases in which the defendant has asked for a hearing with witnesses, the Court continues to strongly encourage the parties to explore any and all alternatives, e.g.,

the setting of bail, resolution of the violation without a hearing or an agreement to defer the matter until the current restrictions are relaxed/or lifted.

IV. DISPOSITIONS/ADMISSIONS

- Once you have received court approval to schedule a disposition or admission, the matter will be scheduled by the Court for the next available date.
- If the defendant is incarcerated and the disposition/admission CAN be handled via video, the parties are encouraged to do so. Those matters will be handled with video appearances occurring between 9:30 a.m. and 10:30 a.m. in Courtroom No. 9.
- If the defendant is incarcerated and the disposition/admission CANNOT be handled remotely, the parties need to alert the Court and provide the basis. Assuming approval is given to dispose of the case in-person, the case will be scheduled for the next available date.

V. MISCELLANEOUS MOTIONS

- Miscellaneous Motions that have been agreed upon by counsel may be submitted to the Court for consideration. Along with the filing, counsel is required to send an email to DailyCrim9@courts.ri.gov which shall include the following:
 - 1) Name and email address of all counsel assigned to the case
 - 2) Copy of the motion
 - 3) An order reflecting the terms of the agreement relative to the motion
- All other contested motions will require prior approval from the court before the matter will be considered.

VI. PRO SE DEFENDANTS

- Any matters in which a defendant is representing him/herself will be handled from 10:30 a.m. to 11:30 a.m. in courtroom No. 9, unless otherwise scheduled by the Court. Filings should be sent via email to Providencesuperior@courts.ri.gov. Once the filing is received and verified, complete with notice to opposing counsel, the matter will be scheduled for the next available court date.

VII. CONTINUANCES

- Counsel may request a continuance by sending an email to DailyCrim9@courts.ri.gov, opposing counsel, and the assigned duty judge for the scheduled court date.

This Protocol for the Providence County Daily Criminal Calendar supersedes the prior Protocol for the Providence County Daily Criminal Calendar and Providence County Miscellaneous Criminal Calendar issued on May 22, 2020. It shall remain in full force and effect until further order of the Court.

ENTERED:

BY ORDER:

/s/ _____

John F. McBurney, Magistrate

/s/ _____

Stephen Burke, Clerk, Providence County

Dated: December 20, 2021