

PROCEDURE FOR CRIMINAL PRE-TRIALS AND COBB'S HEARINGS

In an effort to expedite the disposition of a potential backlog of criminal cases caused by the effects of dealing with COVID-19, the following plan has been developed with input from the judges of the Saginaw County District and Circuit Courts, along with the Saginaw County Prosecutor's Office, the Saginaw County Defenders Office and the Saginaw County Jail. The plan will also be applicable to privately retained attorneys as well.

- 1) For both non-custody and in-custody defendants, in misdemeanor cases and in felony cases, the court(s) will set pre-trial and/or Cobb's hearings.
- 2) Attorneys are also free to get together and discuss any cases they choose and then contact the judge's office to set up a date and time for a telephonic pre-trial and/or Cobb's hearing with the judge.
- 3) The purpose of these hearings will be to resolve the case through plea or other disposition at the time of the hearing.
- 4) Until such time as the courthouse is reopened at full capacity, or in some limited capacity to the public, these hearings will be held to the greatest extent possible via ZOOM, or other video/telephonic technology.
- 5) Defendants must be present for the scheduled hearings and defense counsel shall help facilitate the defendant's use of ZOOM or other video/telephonic technology.
- 6) NON-CUSTODY DEFENDANTS: Shall appear at the pre-trial and/or Cobb's hearing via ZOOM or other video/telephonic technology. If the person is unable or unwilling to participate, NO BENCH WARRANT shall issue for failure to appear for such hearings. The matter will be adjourned and not be reset until such time as defense counsel and/or the defendant notifies the court that they are prepared to proceed via technology. If after such notification and reset the defendant still fails to appear for the hearing, then a bench warrant MAY issue at the discretion of the court.
- 7) IN-CUSTODY DEFENDANTS: Shall appear at the pre-trial and/or Cobb's hearing from the jail via ZOOM or other video/telephonic technology.
- 8) For pre-trial and/or Cobb's hearings initiated by the court, before or on the day of the hearing, and prior to meeting with the judge, the prosecutor and defense counsel will have previously discussed any potential plea and/or sentencing for each case.

- 10) On the day of the hearing, the attorneys will meet with the judge by ZOOM or by telephone to discuss each case. Once the attorneys have met with the judge, the defense counsel will then meet with his/her client to discuss any plea offer and potential sentence to be imposed.
- 11) The meeting between defense counsel and in-custody defendants may occur in person at the jail, or counsel may call the jail Sergeant at (989) 790-5426, who will then arrange for counsel to individually speak to the defendant(s) they represent.
- 12) Notice of hearing for ALL in-custody pre-trials and/or Cobb's hearings will also be sent to the jail when it is sent to the parties so that jail personnel will be able to previously arrange for scheduled defendants to be available to speak to their attorney by phone on the day of the hearing.
- 13) After the meeting between defense counsel and the defendant has taken place, the parties will appear before the court via ZOOM and state whether a plea agreement has been reached or if the matter will need to continue to trial or other disposition.
- 14) This plan will remain in effect until further notice and is subject to modification.

Darnell Jackson

Judge Darnell Jackson
Chief Judge, Saginaw County Trial Courts
July 24th, 2020