

Criminal Court Rules

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Rule 300

DUTIES OF PRESIDING JUDGE OF CRIMINAL DEPARTMENT

The Presiding Judge of the Criminal Department shall have general supervision of all matters arising under the Criminal Code and traffic statutes of the State of Kansas, including appeals from municipal courts.

He shall maintain and conduct such dockets and calendars as are required or necessary to implement the laws of the State of Kansas or Rules of the Supreme Court.

He shall assign the work of the Department to the Judges within the Department.

Rule 301 (Amended)

PRETRIAL MOTIONS

The Presiding Judge of the Criminal Department will hear or assign Pretrial motions, other than for bond reduction/modification, at the 9:00 a.m. Motion Docket on the Friday following the week in which a party files the motion, or at such other time as the Presiding Judge may order.

Pretrial motions that require presentation of evidence or significant legal argument that could delay the start of jury selection must be resolved prior to the trial date. Counsel have the burden to schedule such motions with the assigned trial judge. If they do not the Court may continue the trial, at its discretion, and charge the continuance to the party responsible for the delay.

Counsel must submit all motions requesting bond reduction/modification to the assigned sentencing judge. Such motions must be in writing and include a notice of the hearing date and certificate of service. The moving party must file and serve the motion on the opposing party at least two business days in advance of the hearing date. If the assigned sentencing judge is unable to schedule the hearing within five business days from the date

requested, the Presiding Judge of the Criminal Department will schedule the hearing on the next criminal motion docket.

Sentencing motions requesting a dispositional departure must be filed two business days in advance of the scheduled sentencing date unless both parties agree to the departure.

Rule 302
POST TRIAL MOTIONS INCLUDING
PETITIONS FILED UNDER K.S.A. 60-1507

All post trial motions in criminal cases and petitions pursuant to K.S.A. 60-1507 will be heard at the time and date set by the Judge who tried the case.

Rule 303
PROFESSIONAL SURETIES AND BONDSMEN

Every professional bondsman and surety, and their agent, shall be approved by the Court prior to the Sheriff and/or the Clerk of the District Court accepting them as sureties. Professional bondsmen and their agents must provide a "qualification for surety" with each bond and shall not exceed the limit established by the Court. Appointments of agents must be filed in the Court before the agent is authorized to write bonds. When an agent's employment is terminated, notification must be given to the Court within 3 business days.

Every professional bondsman authorized by the Court, except an insurance company authorized to transact business in the State of Kansas, shall file with the Clerk of the District Court on or before January 10th of each calendar year a complete listing of their assets, including encumbrances and liabilities thereon, the net valuation of their assets and a complete listing of the total amount of outstanding bond obligations in each jurisdiction, all sworn to under oath.

Any change in said list of assets and/or net valuation by sale, transfer, exchange, additional encumbrances or otherwise shall be reported to the Court under oath on or before the 10th day of the next calendar month.

Said professional bondsmen and sureties shall also file an itemized report of any of their outstanding bonds that have been declared forfeited on or before the 10th day of each calendar month covering the preceding month, sworn to under oath. This report shall

state the case number, name of defendant, amount of bond and date forfeiture was declared.

A bondsman and his agents are collectively authorized to write bonds in the amount of ten times that of the bondsman's net valuation as listed, provided however, a bondsman or his agents shall not be authorized to write any one bond in excess of 20% of the bondsman's net valuation.

Any professional bondsman or surety failing to satisfy a bond forfeiture within thirty days after judgment has been entered by the Court may be prohibited from writing any additional bonds.

The Sheriff shall accord all approved bondsmen and sureties equality in exposure. The Administrative Judge shall furnish the Clerk of the District Court and the Sheriff a list of approved professional bondsmen, sureties, and their agents.

Nothing in this rule shall negate K.S.A. 22-2806 which provides that the appearance bond may be approved and accepted by the Clerk of the District Court wherein the action is pending or by the Sheriff of the said county, according to law.

Rule 304
ACKNOWLEDGMENT OF RIGHTS
AND ENTRY OF PLEA

All pleas of guilty or *nolo contendere* shall be accompanied by a fully executed "Defendant's Acknowledgment of Rights and Entry of Plea" form. The judges of the 18th Judicial District approve the use of the attached form (Rev. 10/06), which is intended to supplement not replace or be a substitute for any of the requirements of K.S.A. 22-3210. Use of any other form must be approved in advance by the judge taking the plea. (Click here for the form, Adobe Reader required.)

At the discretion of the judge taking the plea, a defendant may be required to take an oath as part of the plea process. (Click here for the oath, Adobe Reader required.)

Rule 305
JURY TRIAL SCHEDULING

The Presiding Judge of the Criminal Department, or another designated judge, will conduct a jury trial scheduling meeting at 2:00 p.m. each Thursday for cases announced for trial the following week, or such other time as the Presiding Judge designates. A party wishing to announce a case for trial must advise opposing counsel of this announcement at least 24 hours in advance of this meeting and notify the Court of the announcement no later than noon on the day of the meeting. If a party announces a case for trial after the deadlines set forth in this Rule the Court may, absent good cause shown, continue the case and charge the continuance to the party making the late announcement.

Rule 306 CONTINUANCES

A party requesting a continuance of any case scheduled on the docket (whether for jury trial, preliminary hearing, bench trial, or motion), must first notify opposing counsel of the request. If opposing counsel does not object to the request, the party seeking the continuance must then send an email message to “criminal_assignment@dc18.org” that contains all of the following information:

- The name and email address of the attorney making the request;
- The name and email address of the opposing attorney who agrees to the continuance;
- The defendant’s name and case number; and
- The continuance date requested

Defense counsel shall insure that the necessary consultation has occurred and is ongoing with the defendant.

NOTE:

- The Court will reject any request that does not include **all** information listed above, and will require counsel to appear at the docket call.
- For any fifth (5th) or subsequent continuance request(s) (whether State or defense requests), counsel must appear in person at the docket-call and make the request on the record.
- The Court will accept continuance requests only from the party making the request.

The Court must receive requests for jury trial continuance by 2:00 p.m. on the last business day before the jury trial docket, and by 4:00 p.m. the day prior to the docket-call for cases scheduled on the preliminary hearing, bench trial, or pre-trial motion(s) docket. Counsel seeking continuance must do so either by email or in open court. The Court will not entertain requests over the telephone or during chamber visits.

The court will email counsel for both parties if it grants the continuance request. If counsel does not receive a reply email, counsel must appear in person at the docket-call to request the continuance.

Rule 307
DOCUMENTS FILED UNDER SEAL

A party seeking permission to file a document “under seal” must prepare a written motion setting out the request and a proposed order, and submit the motion, proposed order, and any associated papers either to the Presiding Judge of the Criminal Department or the assigned criminal department/sentencing judge for review. The motion must state the reasons why counsel seeks to file “under seal” and set forth any other provisions relating to confidentiality of the documents counsel seeks to seal.

The Clerk of the District Court will file documents “under seal” only upon receipt of a judicially approved, signed written order.