

APPENDIX D-3

POLICY ON SPEEDY TRIAL GUIDELINES

Administration of first-degree murder cases.

- (a) Superior Court. The following standards will govern proceedings in the Superior Court unless otherwise directed by the Supreme Court.
 - (i) Time. All cases must be tried and/or otherwise adjudicated within one year from the date of indictment.
 - (ii) Assignment of first-degree murder cases. Upon the return of an indictment for murder in the first degree, the President Judge of the Superior Court shall assign each case, in writing, to a judge of the Superior Court who thereafter will be responsible for ensuring compliance with this Directive.
 - (iii) Scheduling. Within thirty (30) days after the indictment, the assigned judge shall schedule an office conference with the prosecution and defense attorneys to plan disposition of the case in the Superior Court within the one-year period. The judge shall consider such pre-trial matters as motions and discovery, and shall establish a schedule to ensure adjudication of the case within the one-year period. A trial date shall be scheduled, and first-degree murder cases shall be given priority status on the criminal trial calendar.
 - (iv) Judicial Discretion. Because of their complexity, first-degree murder cases occasionally may present unique problems that preclude a trial or other disposition within the one-year period. A judge therefore may depart from these guidelines when the interest of justice requires. In so doing, however, the judge shall provide a written explanation to this Court within ten (10) days of any order that would preclude compliance with the one-year standard.
 - (v) For cases that were pending or indicted between March 16, 2020 and December 31, 2021, subparagraphs (i), (iii), and (iv) above shall not apply. The Superior Court may prioritize such cases as it determines to be in the best interests of justice and of allowing for the prompt and efficient management of the caseload resulting from the COVID-19 pandemic. On or before January 15, 2022, the Superior Court shall report to the Chief Justice the number of first-degree murder cases that were pending or indicted between March 16, 2020 and December 31, 2020 and remained pending as of December 31, 2021; and on or before January 15, 2023, the Superior Court shall report to the Chief Justice the number of cases that were pending or indicted between March 16, 2020 and December 31, 2021 and remained pending as of December 31, 2022.

- (vi) Record. The judge shall ensure that in every first-degree murder case all pre-trial and trial proceedings in the Superior Court, including all conferences between the court and counsel, shall be recorded by a court reporter and shall be promptly transcribed as provided in the rules of court or upon request of either party or by direction of the judge. The following documents shall be promptly filed with the Prothonotary and made part of the record in each first-degree murder case: (1) transcripts of all proceedings described in the first sentence of this standard; (2) a minute order or notation of such a proceeding that has taken place and been recorded but not yet transcribed; (3) all correspondence between the court and counsel; (4) all internal court correspondence that relates to the assignment of judicial officers; and (5) all case-specific administrative determinations, including scheduling directives.