

NEWBURGH CITY COURT

300 Broadway
Newburgh, New York 12550
(845)483-8100
Fax (845) 565-0421

JUDGE E. LOREN WILLIAMS

PART RULES: CRIMINAL TERM

(changes are effective 8/1/16 and subject to change)

Counsel are expected to familiarize themselves with Part 200 of the Uniform Rules For Courts Exercising Criminal Jurisdiction and to comply therewith.

I. General

Counsel who appear must be fully familiar with the case and able to discuss the case in detail, unless the case is on for arraignment. Counsel who appear must have the authority to enter into any agreement, either substantive or procedural, on behalf of their clients.

Counsel must be on time for all scheduled appearances and must bring sufficient material to allow for meaningful discussion of unresolved issues to each Court appearance.

At every arraignment, Counsel will be required to complete and submit a Notice of Appearance on behalf of their clients.

When Court is in session, Counsel will refrain from speaking and/or moving around the Courtroom until their case is called.

II. Calendar Call

The Court's calendar will be called at 8:30 a.m. on each morning unless otherwise directed by the Court. Counsel and pro-se defendants are expected to appear for all Court appearances on time. If Counsel or a party is unable to appear on time due to unforeseen circumstances (medical or family emergency, inclement weather, for example), he or she should advise the Part Clerk by telephone as soon as possible.

If Counsel, or a defendant, is not present for the 8:30 calendar call, the case will be adjourned to the 2 pm calendar that day, or another date of the court's choosing.

The unexplained and/or unacceptable failure of Counsel or a defendant to appear for a Calendar Call may result in the issuance of an arrest warrant or bench warrant.

III. Adjournments

All requests for adjournments must be made in writing and faxed to (845) 565-0421. Requests shall include a valid reason for the adjournment. Counsel who are actually engaged in trial should send an affirmation of actual engagement containing the name of the case, the trial judge, the Court and part, and an estimate of when the trial will conclude.

If an adjournment is granted, all parties will be notified by the Part Clerk. **Please note: Requests for an adjournment of a sentence must be made at least 3 business days before the scheduled date of sentence or it may not be honored.**

IV. Arraignment

As stated above, Counsel will be required to complete and submit a Notice of Appearance to the Court. Counsel is expected to be on time for the call of the arraignment calendar. As a courtesy, the Court has and will continue to permit Counsel to request a second call in order to speak with a defendant for the first time, particularly where Counsel has just been assigned the case. However, the Court may not grant subsequent requests for a second call of the calendar particularly in cases where Counsel had the ability to meet with their clients prior to the court appearance.

V. Plea Deal Offers

To the extent possible, the People and defense Counsel should have discussed any possible plea deal prior to the call of the calendar. The Court will grant a reasonable adjournment for the People and defense Counsel to discuss a plea deal offer.

VI. Motions

Omnibus Motions

Pursuant to CPL §255.20, the defendant is required to serve and file an Omnibus Motion no later than 45 days from the date of defendant's arraignment, unless other statutory conditions apply.

Omnibus motions shall not contain a motion to compel discovery and inspection or to compel a bill of particulars unless a demand for same was properly and timely served upon the People.

In the event a motion has been withdrawn, counsel or the movant is to

immediately advise the Court by faxing to the Court a letter of withdrawal.

Pro se motions will be rejected if the defendant is represented by counsel.