

**Chamber Rules for
Judge Caroline A. Wojtaszek**

Niagara County Court
Niagara County Courthouse
175 Hawley St.
Lockport, NY 14095
716-280-6400 (p)
716-280-6422 (f)

Holly E. Sloma, Esq.
Confidential Law Clerk
hsloma@nycourts.gov
(716) 280-6404

Melina K. Smith
Court Clerk
meksmith@nycourts.gov
(716) 280-6409

Dona L. Chase
Confidential Secretary
dchase@nycourts.gov
(716) 280-6403

1. Communications with Chambers

- a. Filing via email:
Do not include the Judge on any e-mail correspondence at any time.

- b. Law Enforcement Application for Search Warrants:
All applications for search warrants must be directed to Dona Chase and will be scheduled based on the availability of the Court. All Search Warrant Affidavits and proposed Search Warrants must be emailed to Dona Chase in advance for the Court's review, with hard copies provided at the time the matter is heard. Search Warrant returns are to be directed to Dona Chase within the statutory time frames.

- c. Requests for Adjournments (Non-IDV Matters):
All requests for adjournments must be made in writing or sent via email. Direct all adjournment requests to Melina Smith with copies to Holly Sloma, Esq. and Dona Chase. **Do not** copy the Judge on any e-mail request for adjournment. Prior to submitting the request to the Court, the requesting attorney must (1) contact opposing counsel regarding the request and his/her position on the request; (2) obtain three alternate dates and times that both counsel are available regardless if opposing counsel objects to the request; and (3) provide the opposing counsel's position on the request and availability of both counsel in the written request to the Court.

Unless the request for adjournment is granted by the Court, the parties and counsel are directed to appear as originally scheduled barring extraordinary circumstances. Stated more directly, even if both counsel consent to an adjournment, the Court must grant the request before the appearance is removed from the calendar.

d. Requests for Adjournments (IDV Matters):

All requests for adjournments must be made in writing or sent via email. Direct all adjournment requests to Jessica Brown (jbrown@nycourts.gov) with copies to Holly Sloma, Esq. and David Frech, Esq. (dfrech@nycourts.gov). **Do not** copy the Judge on any e-mail request for adjournment. Prior to submitting the request to the Court, the requesting attorney must (1) contact opposing counsel regarding the request and his/her position on the request; (2) obtain three alternate dates and times that both counsel are available regardless if opposing counsel objects to the request; and (3) provide the opposing counsel's position on the request and availability of both counsel in the written request to the Court.

Unless the request for adjournment is granted by the Court, the parties and counsel are directed to appear as originally scheduled barring extraordinary circumstances. Stated more directly, even if both counsel consent to an adjournment, the Court must grant the request before the appearance is removed from the calendar.

e. Requests for Adjournment of Sentencing:

Any request for the adjournment of a sentencing must be made three business days in advance of the sentencing date and must be made in writing or via e-mail. Requests are to be directed to Melina Smith with copies to Holly Sloma, Esq. and Dona Chase. **Do not** copy the Judge on any e-mail request for a sentencing adjournment. Counsel should be prepared to submit any documentary proof supporting the need for such adjournment with the written request. The requesting attorney must supply the Court with three alternate dates and times that both counsel and the defendant are available for sentencing. Any request for adjournment of sentencing less than three business days in advance will be viewed with disfavor and should be accompanied with documentation supporting the need for the request, i.e., quarantine orders, doctor's orders, etc.

f. Extensions of Time:

All requests for extensions of time must be made in writing or sent via email. Direct all requests for extensions of time to Melina Smith with copies to Holly Sloma, Esq. and Dona Chase. **Do not** copy the Judge on any e-mail request for an extension. Contact opposing counsel prior to submitting an extension request and indicate whether opposing counsel consents or object to such extension. If the request for extension requires the rescheduling of an appearance date before the Court, requesting counsel must supply three alternate dates and times that both counsel are available regardless if opposing counsel objects to the request for extension.

g. E-Filed Cases (NYSCEF):

A working copy of any and all motions, answering papers, reply affidavits, memoranda and correspondence to the Court is required to be submitted to the Court's chambers, with the appropriate E-File confirmation notice form attached.

All other submissions intended to be reviewed by the Court which are e-filed without a working copy set to chambers will not be considered.

2. Submission of Motion Papers/Discovery Compliance Paperwork

a. Submission of Motions:

Must be filed with the Court Clerk, Melina Smith. Motions may be submitted via email to Melina Smith and Dona Chase with a copy to Holly Sloma, Esq., but parties must also submit a hard copy to chambers. If a party decides not to file a motion or to respond, the party must inform chambers before or on the date that the filing is due.

b. Responses to Motions:

Must be filed with the Court Clerk, Melina Smith. Responses may be submitted via email to Melina Smith and Dona Chase with a copy to Holly Sloma, Esq., but parties must also submit a hard copy to chambers. If a party decides not to file a motion or to respond, the party must inform chambers before or on the date that the filing is due.

c. Late Submissions:

All motion papers, including cross-motions, answering affidavits, and reply affidavits must be submitted to the Court within the time periods prescribed herein and the CPLR, unless the Court directs otherwise. **Failure to comply with the filing deadline will result either in an adjournment of the motion or refusal by the Court to consider the untimely submission.**

d. Orders (IDV Matters):

Orders must be submitted within thirty (30) days with indication that the order has been sent out to all opposing counsel or pro se litigants and that no objection has been received. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. Proof of consent by letter or e-mail is required. However, if no objection or consent is received after ten (10) days, the Order will be signed without further delay.

3. Plea agreements in Criminal Cases

a. Scheduling Superior Court Information Pleas:

The SCI paperwork, including the SCI Plea Sheet, any proposed Orders of Protection, Waiver of Indictment and Superior Court Information must be received by the Court no later than one business day (24 hours) in advance of the date of the plea.

b. Notification to Court of Pleas in Indicted Cases:

Advance notice of plea agreements is greatly appreciated by the Court and ensures that the Court runs on time and efficiently. E-mail the plea agreement to Melina Smith with copies to Holly Sloma, Esq., and Dona Chase. **Do not** copy the Judge on any e-mail notice of a plea agreement.

4. Jury Trials

Adjournments may only be granted by the Judge.

List of witnesses, requests to charge and papers on motions *in limine* are required **prior to jury selection.**

Jury selection begins at 10:00 am on Monday with proof to begin the following day unless by agreement of the parties or direction by the Court of an alternate schedule. Charge conference with the Judge shall take place after proof is completed but before closing statements, with results put on the record.

SUPERIOR COURT INFORMATION PLEA SHEET

PLEASE NOTE: Page 1 must be completed in its entirety and filed with the Court Clerk and Chambers at least one (1) day before the plea along with a copy of the proposed SCI paperwork including charges. Page 2 should also be supplied to chambers one (1) day prior to the plea.

DA File # _____ SCI Plea# _____ Date of Plea _____
ADA _____ Phone _____
Defense Counsel _____ Phone _____
Interpreter Needed _____ Indicate Language _____

Defendant: _____ Co-Def: _____
DOB/AGE _____ Phone (c): _____ Phone (h): _____
Address: _____

BAIL STATUS: _____ Amount/Form/Posted: _____
Immigration/Citizenship Status: _____

Main CJTN: _____ **Provide ALL CJTN numbers if you are combining cases.
Additional CJTNs: _____

NYSID: _____

Held for Grand Jury?: _____

Lower Court Docket Number(s): _____

Arrest Date: _____

Does Plea include unrelated charges pending elsewhere?: _____

Temporary Order of Protection or extension of an existing order? _____

PLEA CONSIDERATIONS

Requirements:

Plea Offer: _____

Waiver of Appeal: _____

Revocable Plea: _____ Confession of Judgment: _____

Restitution: _____ Hearing Necessary?: _____

Order of Protection: _____ SORA _____

SFO/SVFO/PVFO eligible? _____

Requests:

Interim Probation: _____ Judicial Diversion: _____

Willard: _____ Other: _____

Has the plea been presented to another Judge? Yes _____ No _____

Prior Conviction History:

(For Judge Use Only)

FACTS:

NOTES:

SENTENCE COMMITMENT:

SENTENCE DATE: