

HON. MARIO A. GIACOBBE, J.C.C.  
Acting Supreme Court Justice  
Niagara County Courthouse  
175 Hawley Street  
Lockport, New York 14094

Law Clerk:	Stephen Earnhart, Esq.	(716) 280-6401 <a href="mailto:searnhart@nycourts.gov">searnhart@nycourts.gov</a>
Secretary:	Faith Meyers	(716) 280-6483 <a href="mailto:fmeyers@nycourts.gov">fmeyers@nycourts.gov</a>
Court Clerk:	Alexandra Muto	<a href="mailto:amuto@nycourts.gov">amuto@nycourts.gov</a>
Court Reporter:	Kelly Rinehart	(716) 280-6486 <a href="mailto:krinehar@nycourts.gov">krinehar@nycourts.gov</a>

MOTIONS – CIVIL CALENDAR

Motions are returnable on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of each month at 9:30 a.m. or 2:00 p.m. One week prior to oral argument, counsel shall provide the Court with paper copies of the notice of motion, affidavits and memoranda of law. Paper copies of e-filed exhibits are not necessary. Parties may provide a paper copy of a critical exhibit or an excerpt of an exhibit. Please do not send any motion papers by fax.

Parties are encouraged to discuss discovery issues during conferences in order to minimize motion practice. Discovery motions shall be subject to a conference with the Law Clerk prior to filing the motion. In such case, counsel shall first email the Law Clerk, copying opposing counsel, and briefly set forth the discovery related dispute. Opposing counsel shall have a reasonable opportunity to email a brief response, after which the Law Clerk will determine whether a conference or motion practice is required.

ORDERS – CIVIL CALENDAR

Proposed Orders shall be submitted to the Court by the prevailing party's counsel within thirty (30) business days of a decision and uploaded to NYSCEF with verification that the Order has been served upon all opposing counsel (or *pro se* litigants) and that no objection has been received within three (3) business days of service. Orders will not be signed without said verification.

## CONFERENCES – CIVIL CALENDAR

Conferences shall be automatically scheduled following receipt by the Court of an RJI. Conferences may also be scheduled upon request by emailing [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov). Prior to the preliminary conference, counsel shall email a brief summary of the case to [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov). Conference will be conducted via Teams or in-person. No telephone conferences will be held unless exceptional circumstances are present.

## REQUEST FOR ADJOURNMENTS - CIVIL CALENDAR

Adjournments are granted upon consent of opposing counsel. However, if opposing counsel refuses, the Court has a liberal adjournment policy for motions made within the minimum time limits of the CPLR and may grant an adjournment upon request, even if opposed. Motion and conference adjournment requests should be emailed to [amuto@nycourts.gov](mailto:amuto@nycourts.gov).

Please do not file letter requests for adjournments on NYSCEF.

## TRIALS – CIVIL CALENDAR

Trial dates are firm and adjournments are granted only in exceptional circumstances. Motions in *limine* shall be filed and served thirty (30) days prior to jury selection. A final, in person conference will be scheduled at least twenty-one (21) business days before trial. Expert disclosure will be served forty-five (45) days before trial.

Requests to charge, proposed verdict sheets, witness lists, pre-marked exhibits and pleadings shall be submitted to the Court via email to [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov) two (2) weeks prior to jury selection. An initial charging conference shall be held upon the conclusion of jury selection. A final charging conference shall be held prior to summations.

## LAW ENFORCEMENT APPLICATION FOR SEARCH WARRANTS

All applications for search warrants must be directed to [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov) and will be scheduled based on the availability of the Court. Please provide paper copies at the time the matter is heard. Search Warrant returns are to be directed to [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov) within the statutory time frames.

## REQUEST FOR ADJOURNMENTS - CRIMINAL CALENDAR

All criminal calendar requests for adjournments (pre-trial conferences, sentencings, etc.) must be made via email to [amuto@nycourts.gov](mailto:amuto@nycourts.gov) with copies to [searnhart@nycourts.gov](mailto:searnhart@nycourts.gov) and [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov). Prior to submitting the request to the Court, the requesting attorney must contact opposing counsel regarding the request and obtain three alternate dates and times that both

counsel are available. Even if opposing counsel consents to an adjournment and agreed upon date, the Court must grant the request before the appearance is removed from the calendar.

### PLEA AGREEMENTS - CRIMINAL CASES

Superior Court Information (“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.

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 [amuto@nycourts.gov](mailto:amuto@nycourts.gov) with copies to [searnhart@nycourts.gov](mailto:searnhart@nycourts.gov) and [fmeyers@nycourts.gov](mailto:fmeyers@nycourts.gov).

### TRIALS – CRIMINAL CALENDAR

Jury trial adjournments may only be granted by the Court. List of witnesses, requests to charge and motions *in limine* are required two (2) weeks prior to jury selection. A final pre-trial conference/motion argument will occur one (1) week prior to jury selection. Jury selection begins at 10:00 a.m. 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.

Updated March 7, 2024

**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 \_\_\_\_\_

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

BAIL STATUS: \_\_\_\_\_ Amount/Form/Posted: \_\_\_\_\_  
Immigration/Citizenship Status: \_\_\_\_\_

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Main CJTN: \_\_\_\_\_ \*\*Provide ALL CJTN numbers if you are combining cases.  
Additional CJTNs: \_\_\_\_\_  
NYSID: \_\_\_\_\_  
Held for Grand Jury?: \_\_\_\_\_  
Lower Court Docket Number(s): \_\_\_\_\_

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Arrest Date: \_\_\_\_\_  
Does Plea include unrelated charges pending elsewhere?: \_\_\_\_\_

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Temporary Order of Protection or extension of an existing order? \_\_\_\_\_

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**PLEA CONSIDERATIONS**

**Requirements:**

Plea Offer: \_\_\_\_\_

Waiver of Appeal: \_\_\_\_\_

Revocable Plea: \_\_\_\_\_ Confession of Judgment: \_\_\_\_\_

Restitution: \_\_\_\_\_ Hearing Necessary?: \_\_\_\_\_

Order of Protection: \_\_\_\_\_ SORA \_\_\_\_\_

SFO/SVFO/PVFO eligible? \_\_\_\_\_

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**Requests:**

Interim Probation: \_\_\_\_\_ Judicial Diversion: \_\_\_\_\_

Willard: \_\_\_\_\_ Other: \_\_\_\_\_

Has the plea been presented to another Judge? Yes \_\_\_\_\_ No \_\_\_\_\_

Prior Conviction History:

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*(For Judge Use Only)*

FACTS:

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NOTES:

SENTENCE COMMITMENT:

SENTENCE DATE: