



MEMORANDUM

TO: Town and Village Court Justices and Court Clerks in Onondaga County

FROM: Hon. James C. Tormey, Fifth District Administrative Judge 
Hon. James P. Murphy, Fifth District Coordinating Judge, Town and Village Courts 

DATE: May 7, 2008

RE: Jury Trial Procedure in Town and Village Courts in Onondaga County

**JURY TRIAL PROCEDURE
TOWN AND VILLAGE COURTS IN ONONDAGA COUNTY**

Pursuant to an agreement between the Hon. James C. Tormey, Fifth District Administrative Judge; the Hon. James P. Murphy, Fifth District Coordinating Judge, Town and Village Courts; Sidney Oglesby, Onondaga County Commissioner of Jurors; William J. Fitzpatrick, Onondaga County District Attorney, and the Onondaga County Assigned Counsel Program and the Onondaga County Bar Association Criminal Law Committee, the following procedure is to be followed, **effective immediately**, regarding the scheduling of all jury trials in the Town and Village Courts located within Onondaga County.

1. At least thirty (30) days prior to the date upon which a jury trial is tentatively scheduled, the Court shall schedule a "final" pretrial conference, at which the Assistant District Attorney assigned to the particular Court shall convey the final plea bargain offer to defense counsel. Barring extraordinary circumstances, that final plea offer made by the People shall not be modified after that date.
2. At the "final" pretrial conference, the defendant shall either accept or reject the final plea bargain offer.
3. If the final plea bargain offer is rejected, then the Justice shall schedule the jury trial for a date certain approximately one (1) month thereafter, with immediate written notice to the Commissioner of Jurors, which will allow sufficient time to order the necessary jury panel from the Commissioner of Jurors' Office.
4. Barring extraordinary circumstances, the jury trial shall **not** be cancelled and will proceed on the scheduled trial date.

This new procedure is being implemented in the Town and Village Courts located in Onondaga County to minimize the frustration and inconvenience currently being experienced by jurors who have been called and recalled for service on several dates in the Town and Village Courts

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without being utilized due to last minute settlements and/or cancellations. These potential jurors have been inconvenienced by having to rearrange their schedules and employment, multiple times, to perform their civic duty. Any continuation of this unfortunate and avoidable situation will ultimately have a negative impact on jury cooperation in the future.

This new procedure shall in no way circumvent the current mandatory policy of the Onondaga County District Attorney's Office requiring respective defense counsel to schedule appointments for early plea bargain discussions with Assistant District Attorney Christine A. Sztecmiler, Esq., assuming that defense counsel consents to and/or requests the same. The Town and Village Courts located in Onondaga County are encouraged to schedule sufficient time, after the arraignment, for a meeting with Assistant District Attorney Sztecmiler to occur prior to the scheduling of the "final" pretrial conference.

cfm