

**CORTLAND CITY COURT
CITY HALL
25 COURT STREET
CORTLAND, NEW YORK 13045**
(607) 218-3300
Fax (607) 218-3299

ELIZABETH A. BURNS
CITY COURT JUDGE
LAWRENCE J. KNICKERBOCKER
CITY COURT JUDGE

DIANA L. DAVIS
CHIEF CLERK
JANINE CAMILLO
DEPUTY CHIEF CLERK

December 8, 2017

Hon. Patrick Perfetti
Cortland County District Attorney
46 Greenbush Street, Suite 101
Cortland, NY 13045

Keith Dayton, Esq.
Cortland County Public Defender
60 Central Avenue
Cortland, New York 13045

Re: Cortland City Court Calendar for 2018

Dear Mr. Perfetti and Mr. Dayton:

Please be advised that we have modified our calendar schedule and adjournment process for the first six months of 2018 to facilitate fewer court appearances and a more expeditious resolution of cases. This modified schedule is intended to address the following: 1) the frequency and length of jail transports, and the amount of time a defendant is in custody pretrial; 2) excessive waiting and court appearances for defense counsel; 3) overcrowding of the court schedule on certain days; 4) to allow plea discussions/negotiations between the People and defense counsel to take place in advance of conferences and court appearances; and most importantly 5) to have a timely resolution of criminal cases.

Attached hereto is the new Criminal Calendar Schedule for Tuesdays and Wednesdays that is effective on January 1, 2018 as well as an outline of the Court's expectations for your reference. Monday and Friday calendars will remain the same as they have historically been.

We will in the immediate future under separate cover provide the Cortland County District Attorney's Office with the pre-trial calendar dates established for vehicle and traffic matters, City of Cortland Corporation Counsel dates and treatment court dates for 2018.

We recognize the schedule being implemented is divergent from that which we have all worked under for a number of years. We also recognize all change is difficult and requires adjustments to our normal and standard routine. The increased number of cases, the seriousness of the cases, the number of defendants being held on bail pre-trial in the Cortland County jail, and the continued insistence from the Office of Court Administration to resolve matters within an extremely short time frame have in conjunction with other factors necessitated review of our

Hon. Patrick Perfetti
Keith Dayton, Esq.
Re: Cortland City Court Calendar for 2018
December 7, 2017
Page # 2

scheduling practices and implementation of the scheduling changes. We recognize that your offices have limited resources. We have attempted to make changes that will result in fewer appearances on each docket, more expeditious resolution of criminal matters benefitting defendants, The People, attorneys and hopefully reduce costs.

The modified schedule is through June, 2018. A determination will be made prior to June 2018 as to whether to continue with this scheduling format.

We thank you for your cooperation in our efforts to effectuate a process which works better for everyone.

Sincerely,



Hon. Elizabeth A. Burns



Hon. Lawrence J. Knickerbocker

cc: Cortland County Bar Association (w/enclosure)

12/8/17

The following is an outline of the new schedule/expectations for Cortland City Court criminal matters:

1. At initial appearance with counsel motion dates will be scheduled and a pre-trial conference date given. You will not receive any additional written notice.
2. If there is no resolution to the case on the calendar call conference date the case will be scheduled for trial. A date will be given for pre-trial hearings.
3. If the attorneys reach a plea bargain agreement prior to the calendar call conference date, either attorney may contact the clerk's office to request that the case be removed from the calendar call conference schedule and be scheduled for a Wednesday disposition date. For a reduction of a felony to a misdemeanor it is recommended that the plea offer be submitted in writing to the court as the court may schedule a conference prior to the disposition in those situations.
4. Two Wednesday afternoons per month will be utilized for calendar call (one for public defender cases, and one for private attorney/18B attorney cases). The other two Wednesday afternoons will be for dispositions and DWI part. Monday and Friday calendars remain the same as they are currently.
5. There are some additional Tuesday calendar call dates when the court does not have a jury trial term (this is not a change – calendar call is traditionally on some Tuesdays when there is not a jury trial term).
6. Preliminary hearings and pre-trial hearings will be scheduled separately and the parties notified either on the record in court, or in writing of the date and time.
7. During the court's jury trial terms, jury selection will still be on Friday afternoons with the trial commencing on Tuesday morning.
8. The process for defendants entering treatment court remains the same. Detailed information with regard to this can be obtained by contacting the treatment court coordinator.

9. Bail applications can be made at any time, just contact the clerk to put the case on the calendar.

10. With regard to the calendar call conferences, the following is expected:

- A. Attorneys are to be present on-time with the defendant present for the pre-trial conference. No adjournments will be granted without good cause. If the defendant does not appear a warrant may be issued.
- B. It is expected that the defense attorney and the district attorney, or his assistant, will have met and attempted a resolution of the case prior to the calendar call date.
- C. It is expected that if restitution is an issue the district attorney's office will provide the defense attorney with the restitution amount prior to the calendar call conference date.
- D. It is expected that prior to the calendar call conference date the defense attorney will have met with the defendant and reviewed any proposed/possible outcomes with the defendant, and that the prosecution will have spoken with the victim and be prepared to address any orders of protection in addition to any restitution issues.
- E. It is expected that the attorneys that appear at calendar call have full authority to negotiate the case at the calendar call conference. It is not productive to have a conference and have the attorney who appears indicate that the case being conferenced is "not their case," or that they have to consult with another attorney to negotiate a plea bargain.
- F. If a plea agreement is reached, the disposition will be entered in on the record on the calendar call conference date. We have scheduled specific time slots for the conferences, and generally, dispositions will be entered after the conferences. For example, on Wednesday afternoon conferences start at 1:00 p.m. and are slotted every 15 mins with the last conference being 2:15. The judge will take the bench at 2:30 to enter the dispositions (i.e., take a guilty

plea or entertain dismissals, etc.). This will give the defense attorneys time to discuss the plea offer with their client after their conference and before the judge takes the bench to enter dispositions. All attorneys must arrange their schedule so that they are available to conference with the judge, discuss any proposal with their client, and dispose of their case (if a disposition is reached) on the calendar call conference date – there will be no exceptions.

Wednesday City Court Calendar Schedule

January to June 2018 (including criminal pre-trial dates)

Please note that this includes calendar call pre-trial dates instead of the normal calendar every other Wednesday afternoon during the year.

	9:00:00 AM-noon	1:00-4:30 pm
Wednesday, January 2, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, January 9, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, January 16, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, January 23, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials to be determined
Wednesday, January 30, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, February 6, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, February 13, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, February 20, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials
Wednesday, February 27, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, March 6, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, March 13, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, March 20, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials
Wednesday, March 27, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, April 3, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, April 10, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, April 17, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials
Wednesday, April 24, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, May 1, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, May 8, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, May 15, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials to be determined
Wednesday, May 22, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, May 29, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, June 5, 2019	Normal Criminal Calendar	DV Compliance at 1:00/ Pre-trials
Wednesday, June 12, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, June 19, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, June 26, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, July 3, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, July 10, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, July 17, 2019	Normal Criminal Calendar	DV Compliance at 1:00pm/ Pre-trials to be determined
Wednesday, July 24, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, July 31, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, August 7, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, August 14, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, August 21, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, August 28, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials
Wednesday, September 4, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, September 11, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, September 18, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, September 25, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Pre-trials
Wednesday, October 2, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, October 9, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, October 16, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, October 23, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Cal Call to be determined
Wednesday, October 30, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, November 6, 2019	Normal Criminal Calendar	Pre-trials
Wednesday, November 13, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, November 20, 2019	Normal Criminal Calendar	DV Compliance at 1:00/Cal Call
Wednesday, November 27, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, December 4, 2019	Normal Criminal Calendar	DV Compliance at 1:00 pm/ Cal Call
Wednesday, December 11, 2019	Normal Criminal Calendar	Disposition Calendar
Wednesday, December 18, 2019	Normal Criminal Calendar	

Tuesday Pre-trial Conference Dates:

Jan. to December in Non-trial Terms

Jan 8th	August 13TH
Jan 22nd	August 27th
Feb 26th	October 8th
March 12th	October 22nd
April 23rd	Dec. 3rd
May 7th	Dec. 17th
June 18th	
July 2nd	