

Wednesday 4B Docket

I. Morning Docket: Sentencing Out-of-Custody Defendants

- A. This docket is for out-of-custody defendants with four (4) or more judgments anticipated.
- B. Set at 30 minute intervals from 9:00 – 12:00 (last setting at 11:30).
- C. Procedure for setting cases on this docket:
 - 1. At Rule 7 (or as soon as counsel becomes aware of the clients intention to plead guilty to four or more counts):
 - a) *Counsel for the defendant shall contact the assigned DA and annex staff (calendaring clerk, supervisor or lead worker – do not contact courtroom staff) to select a Wednesday time slot for the change of plea and sentencing. Be sure you tell the annex staff you need a date “on the 4B docket for an out-of-custody plea and sentencing.”*
 - b) *If the assigned DA is not available to set the date, then counsel for the defendant shall set the date with annex staff (calendaring clerk, supervisor or lead worker – do not contact courtroom staff) on a Wednesday at least 3 weeks out for coverage to be arranged. Be sure to tell annex staff you need a date “on the 4B docket for an out-of-custody plea and sentencing.”*
 - c) *If you anticipate special language outside of the available codes and packages you may email the language to Tammy Chance at: tammy.j.chance@ojd.state.or.us.*
 - d) *At the Wednesday morning appearance:*
 - e) *The court will receive the defendant’s plea(s) and sentence the defendant.*
 - f) *If the defendant decides not to plead guilty, then a downtown judge will be assigned and a status conference set (the defense attorney must contact the annex supervisor or lead for the judge assignment and status date prior to coming into court.)*

II. Afternoon Docket: DUII Diversion Docket

- A. This docket is for out-of-custody defendants charged with DUII who have been identified by the DA as “Diversion Eligible.”
 - 1. DUII defendants who have additional charges/cases may still be set on this docket.
 - 2. This is not a docket for diversion eligibility or diversion revocation hearings.
- B. All cases bucket set at 1:30 (court runs from 1:30 – 5:00).

C. Procedure for setting cases on this docket:

1. At arraignment:

a) Annex DA identifies the case as "Diversion Eligible."

b) If the PD's Office is appointed:

(1) The defendant will be given a date to appear for the Wednesday 1:30 docket 3 – 4 weeks out from arraignment (if more than 30 days diversion will remain open until next court date).

(2) PD's office will make specific attorney assignment internally. Assigned attorney will meet with the client before the Wednesday appearance to go over discover and diversion terms and to complete diversion paperwork.

c) If an MCAD attorney is appointed:

(1) The attorney will select a date to appear with the defendant for the Wednesday 1:30 docket 3 – 4 weeks out from arraignment (if more than 30 days diversion will remain open until next court date).

(2) The attorney will meet with the client before the Wednesday appearance to go over discover and diversion terms and to complete diversion paperwork.

2. At the Wednesday appearance:

a) All clients must appear with counsel at 1:30 for "Diversion Orientation" and advice of rights with the judge.

b) Cases are then called in an order determined by the court. Cases requiring an interpreter will be called first.

c) If the defendant accepts diversion, the plea will be taken, terms recited, show proof set, and court staff will be available to assist with payment plans at the accounting window on the first floor.

d) If the defendant rejects diversion, a downtown judge assignment will be made and a status conference set (the defense attorney must contact the annex supervisor or lead for the judge assignment and status date prior to coming into court.)

e) If, between arraignment and the Wednesday court date, it is determined that the defendant is not eligible for diversion, then the defendant may choose to:

(1) Plead guilty to the DUII and be sentenced;

(2) Request a diversion eligibility hearing to be set at the annex;

(3) Enter a not guilty plea and receive a downtown judge assignment (the clerk will contact the annex supervisor or lead for the assignment).

f) If the defendant has additional charges/cases those can be resolved with a plea and sentencing or with a not guilty plea/denial and a downtown judge assignment and (the defense attorney must contact the annex supervisor or lead for the judge assignment and status date prior to coming into court.)