

EXISTING SUPREME COURT ADMINISTRATIVE ORDER

38. RULES FOR UTILIZATION OF VIDEO CONFERENCING AND TELEPHONE CONFERENCING TECHNOLOGY IN THE CRIMINAL AND FAMILY DIVISIONS OF THE SUPERIOR COURT

Notwithstanding any rule or provision to the contrary:

(a) the presiding judge in the Criminal Division of the Superior Court sitting in a facility equipped with video conferencing technology:

(1) shall, except as provided in (3), use video conferencing technology to effect the appearance of incarcerated parties and certain witnesses. This requirement does not apply to the following proceedings in criminal cases: jury or court trials, including the jury draw proceeding, contested violation of probation hearings on the merits, sentencing hearings, bail hearings when the state is requesting that the defendant be held without bail, and contested bail or motion hearings involving witnesses whom the defendant has the right to cross-examine.

(2) may use telephone teleconferencing technology to effect the appearance of parties and certain witnesses incarcerated in facilities without video conferencing equipment, and video conferencing equipment for sentencing hearings, upon agreement of the parties.

(3) may conduct a proceeding governed by subsection (a)(1) involving the in-court appearance of the incarcerated individual if the presiding judge finds, and places the finding and the reasons for it, on the record, that good cause exists for not using video teleconferencing technology in that proceeding.

POSSIBLE AMENDMENTS

Rule 43. Presence of the Defendant

(a) Presence Required.

(1) The defendant shall be present at the arraignment, at any subsequent time at which a plea is offered, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule.

(2) Arraignments shall be in person and on the record, and shall not be performed by video conferencing or other electronic means unless the defendant consents. Notwithstanding this subdivision, video conferencing may be used to effect the appearance of the defendant at status conferences, calendar calls, and other proceedings where the presence of the defendant is not required by this rule.

Rule 10. Arraignment

Arraignment shall be conducted in open court and shall consist of reading the indictment or information to the defendant, unless he intelligently waives such reading, and calling on him to plead thereto. Arraignments shall be in person and on the record, and shall not be performed by video conferencing or other electronic means unless the defendant consents.