

Rule 16: Docket Call, Arraignment, and Trial Practice

- 16.1** The procedures for the call of dockets of the Court shall be established by the Administrative Judge.
- 16.2** An accused person entering a plea of not guilty or for whom the Court entered a plea of not guilty shall be tried on the earliest practical day set by the Court, unless a trial is continued upon motion and for good cause.
- 16.3** Trials and the order of presentation at trial are governed by TMC §2.40.540 et. seq.
- 16.4** Exhibits offered and received in evidence by the Court shall, at the conclusion of hearing or trial, be returned to the offering party or his or her counsel unless otherwise ordered by the Court. Counsel withdrawing an exhibit shall have it available for use by either party at a subsequent trial or upon appeal. Exhibits not withdrawn within thirty (30) days after final determination (including expiration of time for appeal) may be destroyed or otherwise disposed of by the Court.
- 16.5** No defendant or attorney appearing on the defendant's behalf will be permitted to continue, to set for hearing, or to try any case before Municipal Court if the defendant is not personally present in Court and the defendant has outstanding Municipal Court warrants pending against him or when the defendant is otherwise a fugitive from justice in any other matter before the Municipal Court. No defendant will be permitted to be represented in absentia in any case while failing or refusing to submit to the jurisdiction of the Municipal Court in any other case pending before the Municipal Court. In such case the Municipal Court Judge shall note the appearance of the defendant's counsel (if any), the absence of the defendant, the fact of the outstanding warrants or other matters in which the defendant at that time has failed to submit to the jurisdiction of the Court, enter a bond forfeiture therein, and issue a bench warrant for the arrest of such defendant notwithstanding the appearance by his or her counsel in such scheduled case, until and unless all such outstanding warrant or show cause orders against such defendant are set aside by Court order.
- 16.6** No attorney shall be permitted to request the withdrawal of any warrant, or to continue any case, in which such attorney is not a counsel of record.
- 16.7** Subpoenas must comply with the provisions of TMC §2.40.450. No subpoena will be issued by the Topeka Municipal Court where a request for the same is made less than ten (10) business days before the scheduled trial or hearing for which the subpoena is sought. Moreover, no subpoena request will be considered unless the party seeking to compel attendance of a witness and/or materials fully completes any paperwork necessitated by the Court Clerk's Office.

Judges should refrain from taking any cases or decisions under advisement. If however, taking a case under advisement is necessitated, then the judge presiding over the case must render a decision on the matter within fourteen (14) calendar days unless prior approval to extend the review or advisement period has been approved in advance by the Administrative Judge. Time allotted to counsel or interested parties to submit legal memorandums, briefs or other documents or authority will not extend the fourteen (14) day timeframe. The judge presiding over the case must note on the Court disposition paperwork provided to the clerks the date upon which any supplemental materials from interested parties or counsel is due and the date

upon which the decision of the presiding judge will be rendered so that the clerks can input said information into the Court's electronic docket and calendaring system. Because the Municipal Court is a Court of limited record and jurisdiction, judges are encouraged to limit factual recitations in written opinions. All written opinions are to be submitted to the Administrative Judge for review prior to issuance by the presiding judge.