

CRIMINAL PROTOCOL –RESOLUTION OF FELONY RULE 4 VIOLATIONS– 12/9/19

1. If defense counsel seeks to resolve a felony case that may result in a Rule 4 VOP violation, counsel shall file a Joint Motion for Resolution of a Felony Rule 4 Violation With Pending VOP at least **45** days prior to the scheduled Reception Court hearing date.
2. The Motion **SHALL** include:
 - a. The Felony Rule 4 offense to which the defendant intends to plead guilty, and the offer from the State on the Felony Rule 4 case;
 - b. The pending VOP offense and the sentence that was previously imposed, as well as the State’s recommended sentence on the pending VOP case;
 - c. All mitigation that counsel would like the VOP judge to take into consideration;
 - d. Whether the victim has been informed of the proposed plea agreement and the victim’s position;
 - e. A copy of the Statement of Probable Cause or Charges of the Felony Rule 4 case which **SHALL** be attached to the Motion;
 - f. and the Reception Court hearing date.
3. The VOP judge will prepare an order granting or denying the Motion or schedule a time to meet with counsel. It is recommended that the VOP judge respond to the Motion within 15 days from its receipt. If a meeting is held with counsel, an order granting or denying the motion shall be filed within 5 days after the meeting.
4. If the Motion is granted, the Felony Rule 4 case will be added to the VOP Judge’s collateral day for resolution. Upon resolution of the Felony Rule 4 case, a MAGS submission sheet **SHALL** be completed.
5. If the Motion is denied, the Felony Rule 4 case will remain in Reception Court.
6. All Motions shall be filed in the Clerk’s Office with a time stamped copy delivered to the VOP judge’s chambers at least **45** days prior to the scheduled Reception Court hearing date.
7. If counsel fails to submit a Motion by the **45**-day deadline, the Reception Court Judge will **NOT** postpone the case on the Reception Court hearing date for counsel to contact the VOP judge.

cc: Criminal Manual
Criminal Trial Manual
Pretrial Release Services
Clerk’s Office
Criminal Assignment
State’s Attorney’s Office
Office of the Public Defender
Private Defense Bar