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INTERDEPARTMENTAL MEMORANDUM

To: Luzerne Co. Public Defender's Office, Office of Conflict Counsel, Defense Bar
Cc: Hon. Michael T. Vough, P.J., Hon. David W. Lupas, Hon. Joseph F. Sklarosky,
From: Samuel M. Sanguedolce, District Attorney *SMS*
Date: March 7, 2022
Re: District Attorney's Office Plea Deadline Policy

Please permit this memorandum to serve as a reminder of our policy initially distributed on August 18, 2021, regarding plea offers.

Defendant's acceptance of all plea offers must be received by the close of business on Thursday prior to the case's first listing on the March trial list. (If the case is listed Monday, 3/14, the acceptance is due this Thursday, 3/10; if first listed Monday, 3/21, acceptance is due Thursday, 3/17). This deadline remains even if the case is continued to a subsequent week. **Thereafter, all offers are withdrawn and the case will be prepared for trial. The plea offer will not be reinstated. The case will then proceed to trial or any plea must be to all charges on the criminal information.** It is only reasonable that both sides have the weekend to prepare cases that are actually trials, and the Court not spend hours with jurors awaiting taking pleas on cases that should have been resolved.

****Note: This general policy does not preclude ADAs from setting earlier deadlines in particular cases when they deem a longer period appropriate. Such deadlines should be adequately documented such that defense counsel clearly understands the acceptance date.*

The purpose of this policy is to avoid last-minute negotiations the morning of the trial list and the hours wasted by both parties preparing cases for trial that plead at the call of the list.

Additionally, similar to the continuance deadline, any applications for **diversionary programs were due ten (10) days before the start of the March trial list.** Any applications not already received will not be considered for this month's list, and counsel for defendant must request a continuance to the following list if he/she is seeking diversion for the defendant.

In order to facilitate the reaching of plea agreements and to avoid any last-minute discovery issues, **all files on the March list will be open for inspection by appointment.** At that time, supervisors will be available to review/approve pleas. To schedule an appointment, please contact Patricia Courtney (825-1714/Patricia.Courtney@luzernecounty.org) and we will make the file available for review and have a supervisor available for discussion.