

1 ~~Rule 10-1-202. Verifying use of jury.~~

2 **Intent:**

3 ~~To establish a procedure allowing attorneys to enter an appearance or request a trial setting by~~
4 ~~telephone.~~

5 ~~To establish a procedure allowing attorneys to verify with the clerk's office, by telephone, the~~
6 ~~need for a jury in criminal cases.~~

7 **Applicability:**

8 ~~This rule shall apply to the Second District Court in Class B and C misdemeanors and~~
9 ~~infractions.~~

10 **Statement of the Rule:**

11 ~~(1) Defendants and/or their attorneys, who enter an appearance in a criminal case or request~~
12 ~~a trial setting by telephone, shall be deemed by the Court as having waived the filing of a~~
13 ~~formal Information and having agreed to proceed on the citation, unless the filing of an~~
14 ~~Information is specifically requested in writing.~~

15 ~~(2) Defendants and/or their attorneys who demand a jury trial in a criminal case may file a~~
16 ~~written demand in accordance with the Rules of Criminal Procedure or, in the alternative,~~
17 ~~may request a jury trial and move the Court to waive the filing of the written demand upon~~
18 ~~assuming responsibility for verifying the need for a jury with the Clerk of the Court on the~~
19 ~~business day before commencement of the trial and stipulating that a failure to do so shall~~
20 ~~be construed by the Court as a waiver of a jury trial.~~

21 ~~Effective May/November 1, 20__~~