

**Whatcom County  
Superior Court**

311 Grand Avenue # 301  
Bellingham, Washington 98225  
(360) 778-5560



**Judges**

Honorable Deborra E. Garrett  
Honorable Lee Grochmal  
Honorable Raquel Montoya-Lewis  
Honorable Robert E. Olson

**Commissioners**

Honorable Angela A. Cuevas  
Honorable Leon F. Henley, Jr.  
Honorable Alfred L. Heydrich

May 20, 2019

TO: Whatcom Criminal Bar

FROM: Honorable Judge Deborra E. Garrett  
Honorable Lee Grochmal  
Honorable Raquel Montoya-Lewis  
Honorable Robert E. Olson

RE: Pretrial Criminal Procedures

The Court's current pretrial scheduling procedure for criminal cases is the most recent example of the court's ongoing efforts to hold parties to the trial dates they commit to and to get reliable information about which trials will actually occur on their scheduled dates. This information is necessary for the court to assign trials and make other necessary arrangements for its criminal, civil, and family law dockets. To that end, the Court is modifying its case-scheduling procedures, effective June 1st, as described herein.

When a defendant is arraigned in a new case, or if the Court enters a new trial setting order in a pending case, the Court will set a trial date and a date for a status/omnibus hearing, which will be on the Wednesday of the week that is three weeks prior to the trial date.

At the Status/Omnibus Hearing:

1. Cases Confirmed for Trial. If the case is confirmed for trial, parties will:
  - a. submit a proposed agreed omnibus order or argue any remaining issues at that time. The court will then enter an omnibus order, which will list any pretrial motions to be heard on or before the trial date. This hearing may be set over until the following day if an in-custody client wishes to be present); and
  - b. file a witness list by the end of the day of the status/omnibus hearing. Both counsel must contact their witnesses immediately to confirm their attendance at the trial. A party whose witnesses are not available for trial must immediately notify opposing counsel and file a motion for continuance prior to the trial date on a regular motion calendar, or as a special set, with leave of the court. The court

will waive the 5-day notice requirement for a motion to continue based on unavailability of a witness.

In all cases confirmed for trial, the court will set a confirmation hearing on the motions calendar on the Thursday before trial to address any last minute issues. All witnesses must be confirmed available by the time of the confirmation hearing.

2. Cases Not Ready for Trial. If the case is not confirmed for trial at the status/omnibus hearing, parties may:
  - a. submit an agreed proposed trial setting order with new dates for a status/omnibus hearing and a trial. Defendants are not required to appear if signed trial setting order is presented by counsel; or
  - b. argue a motion to continue at the scheduled omnibus hearing. If the court does not grant a continuance at the status/omnibus hearing, the procedures described in "Cases Confirmed for Trial," above, will apply; or
  - c. enter a plea of guilty or set over to the next day for a plea of guilty if defendant is in custody.

**Defendants must be present for trial confirmation hearing unless their presence is waived by the court at a previous hearing**

# September 2019

September 2019

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

	Monday	Tuesday	Wednesday	Thursday	Friday
Sep 2 - 6	Sep 2 HOLIDAY	3 9:00am 9:30am Trial Call <b>D4</b>	4 8:30am 9:30am Trial Confirmation & O/C Plea <b>D4</b>	5 8:30am 12:00pm Criminal Calendar <b>D2</b>	6
	9 9:00am 9:30am Trial Call <b>D2</b>	10	11 8:30am 9:30am Trial Confirmation & O/C Plea <b>D2</b>	12 8:30am 12:00pm Criminal Calendar <b>D4</b>	13
Sep 9 - 13	16 9:00am 9:30am Trial Call <b>D3</b>	17	18 8:30am 9:30am Trial Confirmation & O/C Plea <b>D3</b>	19 8:30am 12:00pm Criminal Calendar <b>D3</b>	20
	23 8:30am 9:00am D2 Stacked Disso Calendar 9:00am 9:30am Trial Call <b>D1</b>	24	25 8:30am 9:30am Trial Confirmation & O/C Plea <b>D1</b>	26 8:30am 12:00pm Criminal Calendar <b>D1</b>	27
Sep 16 - 20	30 9:00am 9:30am Trial Call <b>D1</b>	Oct 1	2	3	4
	Sep 30 - Oct 4				

# October 2019

October 2019							November 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

	Monday	Tuesday	Wednesday	Thursday	Friday
Sep 30 - Oct 4	Sep 30	Oct 1	2 8:30am 9:30am Trial Confirmation & O/C Plea <b>D1</b>	3 8:30am 12:00pm Criminal Calendar <b>D1</b>	4
	7 9:00am 9:30am Trial Call <b>D2</b>	8	9 8:30am 9:30am Trial Confirmation & O/C Plea <b>D3</b>	10 8:30am 12:00pm Criminal Calendar <b>D3</b>	11
Oct 7 - 11	14 9:00am 9:30am Trial Call <b>D3</b>	15	16 8:30am 9:30am Trial Confirmation & O/C Plea <b>D3</b>	17 8:30am 12:00pm Criminal Calendar <b>D3</b>	18
	21 9:00am 9:30am Trial Call <b>D4</b>	22	23 8:30am 9:30am Trial Confirmation & O/C Plea <b>D4</b>	24 8:30am 12:00pm Criminal Calendar <b>D4</b>	25
Oct 14 - 18	28 8:30am 9:00am D1 Stacked Disso Calendar 9:00am 9:30am Trial Call <b>D2</b>	29	30 8:30am 9:30am Trial Confirmation & O/C Plea <b>D2</b>	31 8:30am 12:00pm Criminal Calendar <b>D2</b>	Nov 1

# November 2019

November 2019						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2019						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

	Monday	Tuesday	Wednesday	Thursday	Friday
Oct 28 - Nov 1	Oct 28	29	30	31	Nov 1
Nov 4 - 8	4 9:00am 9:30am Trial Call <b>D4</b>	5	6 8:30am 9:30am Trial Confirmation & O/C Plea <b>D4</b>	7 8:30am 12:00pm Criminal Calendar <b>D4</b>	8
Nov 11 - 15	11 HOLIDAY	12 9:00am 9:30am Trial Call <b>D3</b>	13 8:30am 9:30am Trial Confirmation & O/C Plea <b>D3</b>	14 8:30am 12:00pm Criminal Calendar <b>D3</b>	15
Nov 18 - 22	18 9:00am 9:30am Trial Call <b>D2</b>	19	20 8:30am 9:30am Trial Confirmation & O/C Plea <b>D2</b>	21 8:30am 12:00pm Criminal Calendar <b>D2</b>	22
Nov 25 - 29	25 8:30am 9:00am D1 Stacked Disso Calendar 9:00am 9:30am Trial Call <b>D3</b>	26 8:30am 9:30am Trial Confirmation & O/C Plea <b>D1</b>	27 8:30am 12:00pm Criminal Calendar <b>D1</b>	28 HOLIDAY	29 HOLIDAY

# December 2019

December 2019						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2020						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

	Monday	Tuesday	Wednesday	Thursday	Friday
Dec 2 - 6	<b>Dec 2</b> 9:00am 9:30am Trial Call D4	<b>3</b>	<b>4</b> 8:30am 9:30am Trial Confirmation & O/C Plea D4	<b>5</b> 8:30am 12:00pm Criminal Calendar D4	<b>6</b>
	<b>9</b> 9:00am 9:30am Trial Call D2	<b>10</b>	<b>11</b> 8:30am 9:30am Trial Confirmation & O/C Plea D2	<b>12</b> 8:30am 12:00pm Criminal Calendar D2	<b>13</b>
Dec 9 - 13	<b>16</b> 8:30am 9:00am D3 Stacked Disso Calendar 9:00am 9:30am Trial Call D1	<b>17</b>	<b>18</b> 8:30am 9:30am Trial Confirmation & O/C Plea D3	<b>19</b> 8:30am 12:00pm Criminal Calendar D3	<b>20</b>
	<b>23</b> 9:00am 9:30am Trial Call D3	<b>24</b> HOLIDAY	<b>25</b> HOLIDAY	<b>26</b> 8:30am 12:00pm Criminal Calendar D1	<b>27</b>
Dec 16 - 20	<b>30</b> 9:00am 9:30am Trial Call D2	<b>31</b>	<b>Jan 1, 20</b>	<b>2</b>	<b>3</b>
	Dec 30 - Jan 3				