

The Straford County Court Procedures

Outline by The Honorable Bryan K. Hit

This document is an official procedures manual for the Private Attorneys, District Attorney, Assistant DA, Public Defenders, Straford Police Department, and Judges practicing within the courts of The Crofton Islands. It is the guide you must refer to if you hold any of these professions while working with the legal system of The Crofton Islands. All who work with the legal system must read this document and report via email or in person to Court Commissioner (Commissioner Tressa Desa) to state that you have read and understand these procedures.

This document will give detailed information on proper procedures for notices of litigation, professional conduct of all attorneys, defenders, DA, ADAs, and court officials, including judicial. *(OOC: Please print this document out and keep it for reference)*

About The Courts of The Crofton Islands:

First, this is not a court of The United States or any other country. While many of the laws and procedures are based on United States law, The Court of The Crofton Islands is not a part of the United States and has its own laws and procedures. Therefore, all attorneys and judges should conduct their cases and decisions based on the procedures and laws to be detailed in this manual. Arguments that begin with "That is not how they do it in the United States (or another country)" or "The US (or other) Courts don't do it that way" will be ignored if presented either in the courtroom or in judge's chambers. Persistence in arguing with these phrases on the part of counsel or any other legal entity may result in a fine of no less than 250k. This is the Court of the Crofton Islands and it is best that all who participate in the court system remember this.

The court is made up of a Court Commissioner, Family Court, Civil Court, Criminal Court, and Superior Court Justices, Court Security Officer, Bailiff, and Court Clerks. Justices can perform more than one of the specific court tasks, such as ruling on Civil and Criminal Court cases, or Criminal and Appeals cases.

The Court Commissioner controls the general flow of the court, scheduling the cases for the judicial staff and screening information coming from the DA, Defenders, Police, and Private Attorneys who are presenting cases to the court. This is done to protect the judges from hearing any information that may influence a decision for one side or another prior to a trial or arraignment. Attorneys, DA, Police Department, Defenders, and witnesses for either defense or prosecution are not to request a meeting with the judges without first consulting the Court Commissioner by way of email (the game email utility now available to all players), phone call (cell phone in game), the postal service (in

game), or in person at the courthouse. Judges have the right to refuse a request for a meeting if approached on a legal matter by anyone who has not first consulted the Court Commissioner.

Court Clerks assist both the Court Commissioner and the Judges by arranging appointments and organizing court records for upcoming cases. While the Commissioner is the final word on the scheduling of cases, the Court Clerk can screen appointments for the judges prior to setting the appointments for them.

The Court Security Officer maintains security within the courthouse only, and is not a member of The Straford Police Department. They do, however, have access to the Police radio to be able to call for additional assistance if required. They will carry a firearm, only to be used in situations that would require deadly force. This would be any attack on the judges, attorneys, witnesses, DA, defenders, or bystanders where the attacker is either discharging a firearm at them, or attacking them with any other weapon. The Court Security Officer does have the right to search anyone entering the courthouse if it deemed necessary by the Court Commissioner, any of the judicial team, or if the Court Officer feels there is a definite threat by any visitor to the Courthouse and it's staff.

Judges are the final word in the legal system, having the power to dismiss or rule on any case provided to them for deliberation by the DA or private parties (civil suits). According to the evidence they are given to view, testimony from witnesses, and sworn statements or reports from the Straford Police Department, they can make rulings that can either send a defendant to jail, dismiss the charges completely, grant probation, assess fines, pronounce bail arrangement, and declare contempt of court.

These rulings are final, and are not to be challenged by counsel, the Public Defenders, or the DA's office in the courtroom, in judge's chambers, or publicly on the streets or on the radio. Furthermore, should such a challenge occur between either counsel team after the judge has given ruling and pronounced sentence, the judge is allowed to fine counsel 100k for each occurrence.

Judges cannot fine counsel just for expressing simple emotion, but counsel must remember to choose their words and actions carefully when questioning a verdict after it has been handed down. Counsel can ask for an appeal, which will be assigned to another judge on the judicial team at a later date. This is the wisest course of action should counsel disagree with a ruling that has been handed down.

(OOC: In other words.... take the verdict and either move on, or politely and professionally request a hearing in appeals court with the Court Commissioner. This is what real life attorneys do every day)

Judges can also provide search warrants to the Straford Police Department. Officers who have been serving on the force for no less than 2 weeks (real time) are able to request a search warrant by first contacting the Court Commissioner. The commissioner will then assess the request and consult one of the judicial

team. The officer presenting the request must have probable cause, including either physical evidence, a documented statement from an informant, an arrest report detailing a crime in which a suspect is in custody, or transcripts detailing any information that pertains to the cause for search during interrogation. If probable cause is justifiable, then the judge will issue the warrant, stamping it officially in the presence of the Court Commissioner before giving it to the officer. The officer must give the warrant to the Chief of Police or other acting supervisor for filing at the Straford Police department after the warrant is served. A copy of the warrant will also be kept at the Courthouse.

Finally, Judges can perform weddings, either formal or casual at the courthouse or at another location detailed by the party wishing to wed. Weddings performed by the judges will require at least 2 witnesses to be present with the bride and groom. The judge will provide a marriage license to be signed by all parties who participate in the ceremony, and then stamp it with the official court seal.

Divorces can also be done, but it falls under the heading of Family Court, and should be handled just as a civil case would. The parties involved must retain their own counsel and schedule the Dissolution of Marriage Hearing with the Court Commissioner.

Annulments can be done no more than 1 month (real time) after the parties have wed, and must approach the Court Commissioner to schedule an appointment prior to meeting with a judge. If there are custody issues pertaining to children belonging to both parties, then an annulment cannot be done. It must be taken to Family Court to be handled in a Dissolution of Marriage Hearing. Property issues must be handled in civil court, as the judge will not decide who gets what in an annulment appointment.

General Conduct - Attorneys, DA, ADA, Defenders:

Just as it is in the courts in real life, respect is required and expected in The Court of The Crofton Islands. Attorneys, the DA, ADA, and Public Defenders must show respect to the judge behind the dais while court is in session and immediately following a ruling. Failure to do can result in the judge finding counsel in contempt and issuing a fine ranging from 1k to 100k, depending upon the severity of the incident.

Judges cannot find an attorney in contempt for expressing emotion, but counsel must remember to maintain a professional attitude while in the courtroom and refrain from any personal argument with the judge that pertains to a decision or ruling.

Concerns or questions must be civilly brought to the judge by asking for a recess to meet with the judge in chambers. While in chambers, counsel is to maintain a professional and polite manner while discussing any issues with the judge. If an

altercation leads to counsel leaving the chambers in an abrupt or unprofessional manner, the court has the right to find that counselor in contempt and a fine will be assessed.

(OOC: Any attorney, DA, ADA, or Defender who quits (literally says they quit) due to a decision or ruling made by the court will be given only one chance to change their mind and continue as counsel. If they return to their position and then quit again at a future trial or arraignment, the action will be considered final and no exceptions will be made. They may also be fined for contempt depending upon the manner in which they quit.)

General Conduct - Judges:

Judges are to treat the attorneys, DA, defenders, court officials, and witnesses with the same respect that they wish to have afforded to them. This means in the courtroom and in the courthouse in general, including chambers. A grumpy or rude judge can be highly misunderstood, and that can lead to suspicions of anything from illness to corruption. They are to conduct court attentively, maintaining order and civility, and are to ensure that arraignments and trials proceed in a timely manner by enforcing the time restrictions for opening/closing statements, witness questioning, and cross examination.

Judges are not to rule based on personal feelings or prior history with a plaintiff or defendant, nor provide any special privilege or accommodation toward the prosecution or defense on the basis of personal relationship with counsel. This could be considered as bias, and is not permitted. Any judge who is found to be exhibiting bias during the course of a trial or arraignment is subject to disciplinary action, including suspension or dismissal.

Publicly, judges are allowed to live just as other citizens of the country are, but care must be taken to actions that could reflect poorly upon the court, as a judge is considered a government figure. Therefore, judges must refrain from any activity that's considered a felony criminal violation and warrants an arrest by The Straford Police Department.

Likewise, judges are not to accept money in exchange for any special considerations. This is bribery. Nor are they to threaten any citizen or legal official with incarceration or conviction at any time for any reason. That is considered harassment, and in some cases blackmail.

Judges must maintain a professional manner in court, dressing in judges' robes, and appearing clean and well groomed. They must mind their attitudes and tempers while behind the dais, and if confronted with a volatile situation they are entitled to find parties in contempt and fine them, or have the security officer remove the disruptive party from the courtroom.

Judges are not to engage in any physical confrontation of any kind with any person in the courtroom, no matter what the situation. However, they are allowed to defend themselves outside the courtroom, which means in chambers and in public, if they are attacked. They can carry licensed weapons for the purpose of

security only, but these weapons must be registered with the Straford Police Department and used only if faced with a life-threatening situation that requires they defend themselves using deadly force.

Initial Notice of Litigation - Civil Litigation

As any citizen of Straford County has a legitimate grievance against another citizen, the claimant would consult an attorney. There are many attorneys in Straford, and it is merely a matter of finding the one that can argue your case effectively and fall within your specific budget.

(Attorneys must charge reasonable legal fees. 100K an hour is NOT reasonable. In fact, a standard amount in Straford would be 100 dollars an hour. This is only charged based on actual time spent in court or consultation with the court judges by counsel on any case)

As Straford County tends to be a hotbed of activity, it makes sense that actual wrongdoing occurs. But, so do personal squabbles. All attorneys currently practicing in Straford County must be aware that the court reserves the right to throw out any case that is deemed to be of a frivolous nature (that is, "I'll sue you because you looked at me, talked to me, or touched me" or anything even remotely close to that kind of scenario. Bring only cases that are of legal merit, and that are worth not only your time, but the court's.) In short, the court strongly opposes any waste of it's time, and reserves the right to dismiss a case if there are no tangible facts or the case is based solely on hearsay or opinion of the plaintiff.

The claimant comes to the attorney, explaining the grievance, providing details or evidence pertaining to the validity of the complaint. The attorney then reserves the right to accept or deny the case. If denying the case, they are allowed to recommend counsel better suited to handle the case for the client. If accepting the case, they must draw up the Notice of Litigation, based upon the statement provided to them by their client.

(Use a standard piece of white paper, either from the post office in Alvalopo, or from another source that can provide the same paper stock. You will need to write up the notification according to the example shown below, and then assist to have a staff member turn the paper turned into a Notice of Litigation. Keep in mind that not all the staff may know how to do it, and you may have to wait for Maleah or Drew to be available to help you.)

Keep the notice simple and streamlined to the facts of the case. Avoid interjecting anything personal. This is a legal document and the court will dismiss any Notice of Litigation that attempts to argue the case in one document.

The following example below is what a standard Notice of Litigation should look like:

(Name, address, and contact number of attorney)

(_____) _____ - _____
Attorney for (Plaintiff's name)
Notice of Litigation
Summons and Complaint as filed in Straford County

Plaintiff complains and for causes of action alleges as follows:

(State complete nature of complaint, including complainant name and names of the offenders)

Acknowledgment and Notification of Defense Requirements

You are hereby notified of the intent to sue and must consult your counsel within a period of 2 to 4 days. Counsel must respond to this Notice of Litigation within that time period, contacting both the prosecuting attorney and Straford County Court to provide Notification of Defense in the case. If Notification of Defense is not received by the aforementioned time period, the plaintiff will approach the court for an immediate decision.

The Court of Straford County will schedule a hearing, at which time the validity and basis of the case will be discussed and/or challenged by the court, with possible direction of possible settlement arbitration. If you wish to discuss settlement of this action prior to hearing, please contact the plaintiff's counsel.

Verification

I, (name of attorney), am (the plaintiff's) counsel in the above-entitled action. I have counseled (the plaintiff) and perceive the nature of the complaint to be sincere as presented to me by (the plaintiff). I understand that if my client has not been forthcoming or truthful in regards to the facts of this case, I cannot be held personally accountable.

Signed on (Date) by (Attorney name)

The defendant must adhere to the time period stated on the Notice of Litigation. If counsel for the plaintiff and the court are not made aware of any possible defense within the mentioned time period, the court reserves the right to make a decision on the case according to the only facts presented to them. This is why it is essential that the defense act immediately when presented with this notice of litigation. In civil cases, the most common judgment is monetary, although it is possible to be given community service, probation, and awarding of property.

Criminal Arraignments

Each time the Straford Police Department arrests someone on criminal charges, there must be an arraignment 24 to 72 hours after that arrest is made. The accused should not wait longer than 72 hours for arraignment, although it is to be understood that circumstances can arise and arraignment may be scheduled after the 72 hour time period.

Before arraignment can take place, the defendant must have been formally charged with a crime, and the Straford Police Department must have a detailed arrest report to submit to the District Attorney and Defender's offices. A copy of this report must also be submitted to the Court Commissioner. This report must be provided to the court no less than 24 hours before the date of arraignment.

An arraignment will always take place at a time arranged by the Court Commissioner, according to the available schedules of counsel and judges. Counsel may appoint a co-counsel if it is determined that their personal schedules will cause the arraignment to go too far beyond the 72 hour limit. The co-counsel must be privy to all information that lead counsel has been about the case, and must meet with their client at least 24 hours before the arraignment date.

The presiding judge is only to set bail and remand the defendant to the custody of either his/her counsel or the Straford Police Department. Arraignment is not a trial, so the judge is not to decide verdict or punishment. The presiding judge will decide the amount of bail according to the formal charges presented, the arrest record of the defendant, arguments and rebuttals of the Prosecution and Defense, and the possible flight risk (escape from prosecution). Once the judge decides bail and remand of the defendant that is the final word. Both counsels will honor this decision, and not challenge it or the judge openly in court. If concern about the decision exists, counsel is to go to the Court Commissioner and request a meeting with the judge that presided over the arraignment. If argument of the decision occurs openly in court, counsel may be held in contempt and fined.

Arraignments begin like any other trial, but are very short. To simplify the required process, this is the outline of an arraignment:

1. Bailiff calls for order in the courtroom, bringing attention to the presiding judge, who then places the court in session.
2. The presiding judge addresses the court with any statements the court needs to make then calls for the first case to be brought in.
3. The bailiff calls the first case and reads the charges against the defendant, to which both the defendant and counsel stand to address the court and the charges.
4. Defense is allowed a quick statement in argument of the charges.
5. Judge redirects to the Prosecution for rebuttal, including opinion of the defendant's possible flight risk and danger to the community. Prosecution is allowed 2 minutes to give this statement.

6. Any objections to the Prosecution's statements are allowed by the Defense. Defense is allowed 2 minutes to object and explain objections.
7. The Judge asks any additional questions to assess total risk. If no questions, bail is determined and custody of the defendant is decided. The decision of the judge is final in the arraignment and will not be discussed after the decision is handed down.
8. Judge bangs gavel once to go on to the next case, or twice to adjourn the court. Bailiff then asks court observers and counsel to rise as judge exits.

Trial Preparation

Based on the decision of the court during the arraignment, trial is to be set no more than one week from the time of the arraignment. During the time between the arraignment and trial, attorneys for both sides **MUST** prepare their opening statements and gather their witness list. These statements are to be no longer than five minutes in length by either side.

All evidence and witness lists are to be shared. The prosecution **MUST** provide this to the defense. There are no exceptions, and if this is not done, the case may be declared a mistrial.

The defendant must be present at the trial, but if it is determined that his/her presence would present significant risk to anyone in the courtroom, they may be left in the jail cell. (Eventually, there could be a camera available to allow the defendant to watch their own trial from their cell)

Trial Procedures

Similar to arraignment, the Bailiff calls the trial to order, reading the charges against the defendant, and the judge makes any pressing announcements. The Prosecution makes its opening statement first, taking no more than 5 minutes to present it. Once the Prosecution is finished, they are seated and the Defense stands and makes their opening statements, which again are to be no longer than 5 minutes. The Defense finishes the statement, seating themselves back at their table, and the trial proceeds with the Prosecution calling their first witness.

Witness lists must have been compiled and submitted to the opposing counsel and the presiding judge no less than 2 days before the trial date. If any of the witnesses have schedule difficulties should the trial run into more than one day, counsels will need to rearrange this list and present it to the opposing side and the judge before the trial resumes.

Prosecution will present their case first, calling their witnesses. Questioning of each witness is to be no longer than 15 minutes per witness. Initial questions must be prepared a head of time. Additional questions that arise from testimony can of course be addressed, but the whole line of questioning must be kept to no longer than 15 minutes in order to keep the pace of the trial moving. If the prosecution goes over the 15-minute time allotment, they will be advised by the judge to take 2 minutes to wrap it up. After this, the prosecution may be found in

contempt of court and fined \$2000 for failing to adhere to proper court procedures.

As the Prosecution finishes his or her line of questioning for each witness, the Defense is then given an opportunity to cross-examine the witness. Cross-examination is only allotted 10 minutes per witness. Like the questioning, if cross-examination exceeds the 10-minute limit, the judge will advise the counselor to wrap it up in 2 minutes. If this is not achieved, then the counselor is placed in contempt and fined \$2000.

Once the Prosecution rests their case after presenting all evidence and questioning all witnesses on their list. The Defense then presents their case, calling each witness on their list. The same time limit of 15 minutes applied to the questioning of their witnesses, and the same cross-examination time limit of 10-minutes applies to the Prosecution.

During the testimonies of witnesses objections will arise. The counsel who objects will do so and state the nature of the objection. The counsel conducting the questioning or cross-examination will then rebut with their reason for the direction of the questioning or the meaning of their statement. Unless the questioning counsel withdraws their statement or question, the judge will choose to either sustain or overrule the objection.

The Defense will rest its case after presenting all evidence and calling all witnesses on their list. The case then is given to the presiding judge to make the decision. Court will be adjourned until the presiding judge calls it back into session to reveal his/her decision. Sentencing is also done at this time, and a convicted defendant is placed into the custody of the Straford Police Department for processing. The defendant will either serve sentence in the SPD jail or be processed and held in the SPD jail in preparation of transfer to The Crofton Islands Federal Penitentiary.

Sentencing

The presiding judge will pronounce sentence, which can be appealed, but only 1 appeal is allowed.

The following are recommended sentences for many common convictions (in game time):

Crime Conviction:	Game Time:	Real Time:
Theft & Burglary	30 to 45 days	1 to 1.5 weeks
Assault & Battery	30 to 60 days	1 to 2 weeks
Kidnapping	30 to 90 days	1 to 3 weeks
Sexual Assault/ Rape	60 to 90 days	2 to 3 weeks
Attempted Murder	90 to 120 days	3 to 4 weeks
Manslaughter	90 to 120 days	4 to 4 weeks

Second Degree Murder	120 to 150 days	4 to 5 weeks
First Degree Murder	150 to 180 days	5 to 6 weeks

The-Night.com currently does not enact the Death Penalty or life imprisonment. This may or may not change in the future. The sentences in the table above may seem very light, but you must remember that this is a game, and no player should ever be forced to permanently idle or kill off his/her character. It can be planned out in an RP situation to get rid of a character by means of incarceration or death, but this would need to be planned out and done with the understanding that the character is never to return to the game.

It is planned to build a penitentiary, but it is not known when it will be opened.