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DONNA  
LYNSKEY  
CHIEF CLERK

PATRICE  
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CHIEF CLERK

## MEMORANDUM

To: Oneida County District Attorney Office  
Oneida County Public Defender Office  
Oneida County Bar Association

From: Hon. Gregory J. Amoroso, Hon. John C. Gannon  
Hon. F. Christopher Giruzzi, Hon. Ralph J. Eannace, Jr.

Subject: New "Virtual Chambers" Procedures for the Criminal Parts of  
Utica and Rome City Courts during the COVID-19 Public Health Crisis

Date: April 13, 2020

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During our statewide response to the COVID-19 pandemic, our City courts are operating out only from a Central Location, at the Oneida County Family Court, for essential matters pursuant to Administrative Orders, on a remote (Skype) basis. Pursuant to the Administrative Order of the Fifth Judicial District issued on April 9, 2020 By Hon James P. Murphy, JSC, Administrative Judge, on this subject, effective on April 13, 2020 the Utica and Rome City Courts Criminal Parts will begin a "Virtual Chambers" schedule. This will be for the purpose of handling certain cases beyond the arraignment and other "essential" proceedings which will continue to be scheduled through our Central Location for Oneida County.

All parties are referred to the April 9 Administrative Order cited above for protocols which must be followed in these matters. Please note there are General Provisions and City Courts Provisions included in that Order.

We will be using the Virtual Chambers procedures, at least for now, to consider matters already before our criminal courts. We will be conducting "pre-trials" via Skype for Business or telephone conference to consider cases with counsel to help prepare

them for trials or other dispositions upon our return to our regular court proceedings. The Court will set up the conference online or on the phone.

Each of the four judges above are on a rotating schedule for Virtual Court. Each judge will now also be scheduled for Virtual Chambers on the day **preceding** their court date, so every 4 days. This schedule will be made available each week to the offices above. All Virtual Chambers sessions will begin at 10:30 am unless otherwise announced.

For each Virtual Chambers date, the Court will select a certain list of cases to be pre-tried, and notify the counsel on those cases at least 24 hours in advance. Per Judge Murphy's order, priority will be given to completing Motions and other Decisions, and then on any cases that are overdue on Quarterly Reports or for Standards and Goals. The Judges are also giving preference to any matters that are not resolved where a defendant is incarcerated.

Attorneys may request a video case conference on other cases by email directed to the court with copy to opposing counsel. Attorneys must state the reason for the request. The attorney requesting the conference shall provide the Court with the Skype for Business address and telephone number of all counsel and other necessary participants. The Court shall initiate a Skype for Business video conference by sending invitations to all counsel of record. If the Court determines that a telephone conference is appropriate, the attorney requesting the conference shall be responsible for initiating the telephone conference.

The pre-trials will be conducted via a Skype for Business or telephone conference meeting arranged by the court. Counsel are required to be prepared with any issues they wish to address to move the cases forward, including consideration of any resolutions to the cases, and any matters that need to be resolved prior to resolution or trial scheduling. These proceedings will not be recorded, but notes of each meeting will be kept by court staff to be added to the files. To the extent matters need to be put on the record, arrangements will be made for recording as possible upon request or by judges' order. No party may make an audio or video recording of the remote telephone or video appearances without the written permission of the Court.

We do not anticipate resolving criminal matters until the attorneys have had time to confer with clients and witnesses as appropriate. Pleas will not be taken until our regular courts have resumed. Resolutions not involving a plea can be resolved by an Order entered remotely.

The District Attorney's Office and the Public Defender's Office shall contact the Chief Clerks of the Rome and Utica City Courts concerning obtaining files or materials, if any, in their courthouse offices. These buildings are closed, so there will be a very limited opportunity to retrieve necessary case materials for all cases.

Any contact from attorneys on essential cases, such as arraignments, including CAP arraignments shall be as they are now, to the current Central Locations. Contact from attorneys to judges on the Virtual Chambers cases, or any other cases, are strongly encouraged to be by email to the addresses which will be distributed to the attorneys with the list of cases for each Virtual Chambers date, and sent to the County Bar Association. Copies of any emails must be sent to the Judge, the law clerk, the secretary for the court, and opposing counsel. Contact by mail may not be processed promptly, and the same with telephone messages at court phone numbers.

Cases involving pro-se litigants cannot be considered by virtual chambers at this time. Any cases can be adjourned for reasons related to COVID-19 or otherwise, upon showing of good cause by counsel to the court.