

Harris County Criminal Court at Law No. 9 Motion for Continuance Policy

It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all of its case types and dockets, the Court looks with strong disfavor on motions or requests to continue court events. To protect the credibility of scheduled contested hearings and trial dates, continuances are especially disfavored.

Except in unusual circumstances, any continuance motion or request must be in writing and filed not later than seventy-two (72) hours before the court event for which rescheduling is requested. Each continuance motion or request **shall** comply with Chapter 29 of the Texas Code of Criminal Procedure.

The Court will grant a continuance only for good cause shown. On a case-by-case basis, the Court will evaluate whether sufficient cause justifies a continuance. As a guide to practitioners, the following will generally **not be** considered sufficient cause to grant a continuance:

1. Counsel or the parties agree to a continuance;
2. The case has not previously been continued;
3. The case probably will settle if a continuance is granted;
4. When parties have failed to exercise due diligence to secure discovery;
5. New counsel has entered an appearance in the case or a party wants to retain new counsel;
6. Unavailability of a witness who **has not been** subpoenaed;
7. The failure to schedule the hearing on a suppression motion on a timely basis unless the prosecution failed to comply with a discovery order;
8. A police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date;
9. Any continuance of trial beyond a second trial date setting.

The following will generally be considered sufficient cause to GRANT a continuance:

1. Sudden medical emergency (not elective medical care) or death of a party, counsel, or material witness who has been subpoenaed;
2. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled;
3. Unanticipated absence of a material witness for either party;
4. Illness or family emergency of counsel.

Any grant of a motion for continuance by the Court will indicate who requested it and the reasons for granting it. Whenever possible, the Court shall hold the rescheduled court event not later than thirty (30) calendar days after the date from which it was continued.

/s/ Toria J. Finch

Presiding Judge

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