

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III Criminal District Court Parish of Orleans

Chapter: 2 **Chapter Title:** Dates of Court

Appendix 1 Mardi Gras Holiday (Monday, Tuesday & Wednesday); Red Mass (First Monday in October)
Rule No: 2.0

Local Holidays in Addition to
Legal Holidays
Listed in La. R.S. 1:55
See 2004 Amendment to La.
R.S. 1:55(E)(1)(b) which, by
reference to La. R.S.
1:55(B)(1)(a), adds Mardi Gras
Day and General Election Day
as legal holidays.

Chapter: 3 **Chapter Title:** Judges and Facsimile Transmissions to the Court

Appendix 2 SECTIONS OF THE COURT
Rule No: 3.1

Divisions or Sections of Court
Effective September 7, 2004

1. There shall be thirteen Sections of the Court, which shall be known and designated as Sections A, B, C, D, E, F, G, H, I, J, K, L and M; and the Magistrate Section, which shall be presided over by the Judges respectively elected or appointed, and by their successors in office. Each Judge shall be known and designated as the Judge of the Section over which he presides. There are four Commissioners who shall be appointed by the Judges of the Criminal District Court.

2. The Judges of this Court have the authority and jurisdiction to discharge any and all duties and functions as Judge of another Section of the Court. When a Judge of this Court is absent, all judicial matters, including bail, should be heard by the Judge of the section next in rotation according to the following schedule: A to B, B to C, C to D, and thereafter; with L to A. The Magistration Section is not included in the rotation schedule. The Judge, however, may designate any court to hear matters while the Court is absent. Absence, as used herein, means a Judge who is not sitting that day or is not available to act as Judge.

Appendix 3 THE MAGISTRATE SECTION OF THE COURT
Rule No: 3.2 and 9.3

Duty Judges; Allotments;
Signing of Pleadings in
Allotted and Non-Allotted
Cases

THE MAGISTRATE

1. The Magistrate Section shall be composed of the Magistrate Judge and four (4) Commissioners. The purpose of this Section of Court is to provide every person arrested under state statute prompt access to a committing Magistrate who shall conduct a hearing within a reasonable time after arrest and:

(a) Set bail

- (b) Advise the defendant of the charges against him
- (c) Advise the defendant of his rights under the Constitution of the United States and the Constitution and laws of the State of Louisiana
- (d) Appoint counsel if the defendant is indigent
- (e) Set a date and time for a status hearing
- (f) Set a date and time for a preliminary hearing to determine whether there is probable cause that the defendant committed the offense with which he is charged. (The hearing shall be set on written motion by the defense, the District Attorney or by motion of the Court.)
- (g) Additional duties and revisions thereof are subject either to a determination by the Magistrate Judge or the Court En Banc.
- (h) All forfeiture proceedings shall originate in the magistrate section.

2. All defendants must be processed through the Magistrate Section. All persons arrested on state misdemeanor charges shall appear in the Magistrate Section in the same manner as persons charged with felonies, however, a defendant who makes bond may waive Magistrate appearance. After appearance in the Magistrate Section, defendant shall be returned to the custody of the Sheriff.

3. An arrestee shall not be required to sign a waiver of appearance before the Magistrate or a Commissioner as a condition of his release. He shall be informed that by making bond he is not entitled to an initial appearance before the Magistrate or Commissioner.

4. When a felony arrestee is released on bond, he shall be notified of the date and time of his preliminary hearing before a Magistrate or Commissioner.

5. The scheduling of the Magistrate Section shall be as follows.

(a) Weekdays: The Magistrate Judge shall be in session on each judicial day and shall set his hours and post the same with the Clerk's Office. Commissioners shall be on duty between 3:00 P.M. and 8:00 A.M. as follows:

- i. Mondays Section 1
- ii. Tuesdays Section 2
- iii. Wednesdays Section 3
- iv. Thursdays Section 4
- v. Fridays Commissioners are on a rotating schedule.

(b) Weekends and Holidays: The Duty Commissioner shall be on call twenty four (24) hours from 8:00 A.M. Saturday to 8:00 A.M. Monday. A Commissioner shall be on duty twenty four (24) hours during each holiday and shall hold a session(s) during the holiday. A rotating holiday session shall be approved by the Judges En Banc.

(c) Court sessions of the Commissioners shall be as follows:

- i. Mondays through Thursdays 3:00 P.M.: First appearance hearings, bail hearings, preliminary hearings, motion hearings and trials are to be conducted in the Magistrate Courtroom.
- ii. Fridays 3:00 P.M. and 6:00 P.M. and 2:00 A.M. Saturdays: First appearances, bail hearings, and preliminary hearings are to be conducted in the Central Lockup Courtroom.
- iii. Saturdays and Holidays 11:00 A.M. and 1:00 A.M.: First appearances and bail hearings are to be conducted in the Central Lockup Courtroom.

6. The Magistrate will be available for first appearance hearings, setting of bonds, and granting of release on recognizance at all times. The Magistrate shall sign all arrest and search warrants if available. First appearance hearings shall proceed in the manner described below from the time of arrest:

- (a) Arrest
- (b) Booking at Central Lockup
- (c) Defendant immediately transferred to Magistrate Section by the arresting officers for a first appearance hearing. Absent extreme circumstances, said hearing shall take place within twelve hours from the time the defendant is taken into custody.

7. At the first appearance hearing, the Magistrate shall set a date for a status hearing concerning the charge(s) brought by the State against the defendant. At the status hearing, the State must show whether the charges brought against the defendant are accepted or rejected. If no disposition has been made on the charge(s), the State must show why it has not accepted the charges against the defendant.

8. At the first appearance, on motion of a defendant accused of a felony or on a motion by the State, the Magistrate shall set the time and place for a preliminary hearing. Motions for a preliminary hearing shall be in accordance with Articles 292 and 293 of the Code of Criminal Procedure. All preliminary hearings shall be transcribed by the court reporter and a copy filed with the Clerk in accordance with the law.

9. If the Magistrate finds probable cause, a minute entry should reflect the charge for which probable cause is found and the bail set. If there is no finding of probable cause, the Magistrate shall discharge the defendant from any bail obligation.

10. Upon the filing of a bill of information, the Magistrate may arraign the defendant and may accept a plea of guilty to any offense within the jurisdiction of the Magistrate Court, and may sentence the defendant. If the charged offense is not within the jurisdiction of the Magistrate Court, the case shall be allotted to one of the sections of the Court for the purpose of accepting the plea before a court with appropriate jurisdiction.

11. If the Magistrate orders the defendant to answer to the court having trial jurisdiction, he may:

- (a) Release the defendant on his own recognizance,
- (b) Release the defendant on bond or,
- (c) Order the defendant to be incarcerated.

12. When the Magistrate has discharged the defendant or held him to answer, he shall transmit without delay to the Clerk the following information as applicable:

- (a) The name of the incarcerated person awaiting trial, the date of incarceration and the charge
- (b) The complaint and the warrant
- (c) The written testimony of the witnesses shall be transcribed within a reasonable period of time
- (d) The recognizance or bond for the appearance of the defendant
- (e) Every article, writing, money or other exhibits received in evidence provided, however, that such article, writing, money or other exhibit used in evidence before the Magistrate may be returned to the owner upon a written order of the Magistrate unless the State objects, in which case the trial court will resolve the issue.

13. The Magistrate Section will be in session each judicial day. The Magistrate Court shall also handle transfers from Parish Prison to Central Lock up for line ups.

14. There is no limitation on the sentencing authority of the Magistrate and Commissioners, other than that proscribed by law.

THE COMMISSIONERS

1. Commissioners shall be known as "Commissioners" or "Magistrates," but not "Judges."
2. A Commissioner shall be on duty between the hours of 3:00 p.m. and 8:00 a.m. weekdays, and on 8:00 a.m. Saturday to 8:00 a.m. Monday. There shall also be assigned a backup Commissioner for the same time periods.
3. The duty Commissioner must first notify the back up commissioner that he will not be available for his session. The NOPD and Sheriff are to be notified that the back up Commissioner has been authorized to act on behalf of the duty Commissioner.
4. In all cases where the issuance of a search and/or arrest warrant is required, the NOPD shall attempt to contact the Magistrate. In his absence or unavailability, the duty Commissioner shall be contacted. In the absence or unavailability of the duty or back up Commissioner, any Judge may be contacted.
5. The Commissioners shall take no action affecting the operation of their offices and/or the Court without first receiving approval from the Court En Banc.
6. Commissioners are authorized to:
 - (a) Sign search and arrest warrants
 - (b) Set bond
 - (c) Release defendants on secured or unsecured bonds
 - (d) Set and hear status hearings, rules to show cause, 48 hour hearings, and preliminary hearings
 - (e) Try misdemeanor cases
 - (f) Perform all duties and functions as set forth in State statute.
 - (g) Act as back up Magistrate for the Magistrate
 - (h) Issue arrest warrants and writs of attachment for those persons who have been found Not Guilty by Reason of Insanity or Unrestorably Incompetent to Proceed and who are in violation of Conditional Release Orders of this Court or who have failed or are about to fail to return to inpatient settings after being allowed an overnight pass from a mental hospital.
7. Unless directed by an elected Judge, no Commissioner shall accept pleas in a case which has been allotted to a Section of Court.
8. The Commissioners shall not grant any motion to leave the jurisdiction in any felony case allotted to a Judge.
9. If a Section record is required for a ruling, the matter should be taken under advisement until the next sitting of said Commissioner in order that the record can be secured from the Clerk's Office.
10. Matters should not be continued from the night shift to the day shift but should be continued to the next sitting of the same Commissioner.
11. If a bill of information has been filed and allotted, any motions should be filed in the Section to which it was allotted. The Judge of the Section is to determine whether or not the matter should be sent back to a Commissioner for further action.
12. Continuances should not be granted except on good and sufficient legal grounds. When a continuance is granted, the defendant and all witnesses present should be notified in open court of the time and date on which to return. A minute entry should reflect which witnesses were so notified in order to validate service.

13. The Commissioners have the duty to sign orders and/or hold contradictory hearings on pre indictment motions initiated by the District Attorney authorizing the Clerk to issue subpoena or subpoenas duces tecum concerning offenses under investigation by the District Attorney as authorized by Article 66 of the Code of Criminal Procedure.

14. The Commissioners shall inform each defendant charged with a jury trial misdemeanor of his right to trial by jury and his right to waive trial by jury. That determination shall be made by the defendant and shall be recorded in the record.

15. The Commissioners shall have at least one member of their staff available during all duty hours in order to answer all telephone calls and to contact the Commissioner on duty.

16. The Commissioners shall not practice criminal law in any and all jurisdictions.

17. Commissioners shall not allow the public defender to waive a preliminary hearing. The Commissioner must either have the preliminary hearing or obtain a stipulation as to probable cause.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Robert Kazik www.criminalcourt.org
Judicial Administrator
Orleans Parish Criminal District Court
2700 Tulane Avenue
New Orleans, LA 70119
Telephone: (504) 658-9100
Facsimile: (504) 658-9113
E-Mail: rkazik@criminalcourt.org

Carla Smith
Chief Deputy Judicial Administrator
Orleans Parish Criminal District Court
2700 Tulane Avenue
New Orleans, LA 70119
Telephone: (504) 658-9100
Facsimile: (504) 658-9113
E-Mail: csmith@criminalcourt.org

Shannon Sims
Deputy Judicial Administrator
Orleans Parish Criminal District Court
2700 Tulane Avenue
New Orleans, LA 70119
Telephone: (504) 658-9100
Facsimile: (504) 658-9113
E-Mail: ssims@criminalcourt.org

Hon. Arthur Morrell
Clerk of Court
Orleans Parish Criminal District Court
2700 Tulane Avenue
Room 114
New Orleans, LA 70119
Telephone: (504) 658-9000
Facsimile: (504) 658-9183

Chapter: 5 **Chapter Title:** Courtroom Use, Accessibility and Security
Appendix 5A <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5A.PDF>
Rule No: 5.1
Americans with Disabilities
Form

Appendix 5B <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5b.PDF>
Rule No: 5.2
Request for Interpreter and
Order

Appendix 5C <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5C.PDF>
Rule No: 5.1
Interpreters Oath

Chapter: 8 **Chapter Title:** Indigents and In Forma Pauperis
Appendix 6 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX6.PDF>
Rule No: 8.0
In Forma Pauperis Affidavit

Chapter: 9 **Chapter Title:** Procedure
Appendix 7 Note: This Court does not preside over civil matters.
Rule No: 9.4
Presentation of Pleadings to the
Court and Filing with the Clerk
of Court

Appendix 8 This court does not preside over civil matters.
Rule No: 9.14
Fixing for Trial or Hearing;
Scheduling Orders; Contact
with Jurors

Chapter: 13 **Chapter Title:** Civil Litigation Filed by Inmates
Appendix 9A <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9a.PDF>

Rule No: 13.0

Petition for Judicial Review

Appendix 9B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9b.PDF>

Rule No: 13.0

Pro Se Prisoner-Plaintiff's
Portion of the Pre-Trial Order

Appendix 9C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9c.PDF>

Rule No: 13.3

Application to Proceed In
Forma Pauperis Filed in
District Court

Appendix 9D

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9d.PDF>

Rule No: 13.3

Motion to Proceed In Forma
Pauperis on Appeals/Writs

Appendix 10

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX10.PDF>

Rule No: 13.2

In Forma Pauperis Application;
Civil Litigation Filed by
Inmate - Appeal

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 11

ALLOTMENTS

Rule No: 14.0

System of Random Allotment
of Criminal Cases (Other than
Traffic, Wildlife, and Appeals
from Lower Courts)

Amended and effective Aug.
14, 1998; Amended and
effective Sept. 7, 2004

1. The Clerk will assign daily, randomly, and by allotment among the Sections having felony jurisdiction all felony indictments, bills of information charging felony offenses and appeals from Municipal Court and Traffic Courts and other pleadings shall be allotted among Sections A through L and the Magistrate Section. This allotment shall be conducted by the Clerk and shall be open to the public. The District Attorney shall be notified of the allotment.

2. Cases filed shall be divided into five (5) classes:

(a) First degree murder;

(b) Those necessarily punishable at hard labor;

(c) Those not necessarily punishable at hard labor;

(d) Those triable by the Court without a jury, and all appeals from Municipal and Traffic Court of new Orleans, writs, and fugitive cases; and

(e) Civil forfeiture petitions under "Seizure and Controlled Dangerous Substance Property Forfeiture Act of 1989" which shall be entitled "In Rem Forfeiture Proceedings" and shall originate in the Magistrate Court. (In Rem Forfeiture petitions shall be allotted to the Magistrate for deposition.)

3. The penalty for the offense charged at the time of the alleged commission of the act shall determine the classification of the particular case. A separate allotment shall be conducted for each case, based on the character of the crime charged.

4. The Clerk shall not make a special allotment for any case unless so ordered by a Judge.

5. Except for first degree murder cases, the Court En banc may order the removal of one or more Sections of Court from the allotment. The allotment of second class cases shall be in multiples of ten cases filed. The allotment of third class cases shall be in multiples of ten cases filed.

6. The Order of Court directing the removal from the allotment for designated months of Sections A, B, C, D, E, F, G, H, I, J, K, and L of the Criminal District Court shall not be applicable to the allotment of first degree murder cases.

7. Second and third class cases shall be randomly allotted among Sections A through L.

8. Fourth class cases shall be randomly allotted among Sections A through L and the Magistrate Section.

9. Misdemeanor cases allotted to Magistrate section which requires jury trials, shall be reallocated only if the defendant elects trial by jury or on motion of the District Attorney and shall be randomly reallocated among Sections A through L.

10. Fifth class cases shall be allotted among Sections A through L and the Magistrate Judge, however, the allotment shall not include the Commissioners.

11. Appeals of misdemeanor convictions not appealable to the Supreme Court shall be randomly allotted among the four Appellate Divisions of this Court.

12. Nolle prosecuted cases which are reinstated within the prescriptive period will not be reallocated. Those with the same defendant(s), and in the same class, shall be given the same number and allotment as the original case. However, when one or more defendants are added, or a more serious crime is charged with a different classification, the case shall be assigned a new number and allotted as if a new case.

TRANSFERS

1. Any case of any class may be transferred as often as may be necessary for the proper expedition of the business of the Court. Cases may be transferred either upon motion of the State or the defendant, or by order of one Section of Court to another. Both the State and the defendant must agree to transfer along with the Section of Court to which the case is transferred.

2. Any Judge may transfer to a Commissioner any non-jury misdemeanor case for disposition without the approval of that Commissioner.

3. Any misdemeanor case which has been transferred to the Magistrate Section, and which has a companion felony case growing out of the same factual situation, goes back to the Section of Court to which the felony case was allotted.

4. When there are multiple cases pending against a defendant, they shall be transferred to one (1) Judge for disposition. Cases shall be transferred to the Judge who has the more serious case, that is, the one with the highest classification. If there are two (2) or more cases in the same classification, then the cases shall be allotted to the Judge presiding over the case with the lowest docket number, whether the defendant is charged alone or with others. A case shall be considered pending until a Nolle Prosequi, a dismissal, a plea of guilty, or nolo contendere is entered, or a verdict of guilty is returned after trial. When a case is pending and one or more defendants and/or one or more charges of the same classification is added, the case shall be assigned a new number and allotted. It shall then be transferred to the Section to which the original case was allotted. This rule shall apply even if the original case was nolle prosequied prior to the filing of the new bill of indictment or information.

5. A case in which a pre-sentence investigation has been ordered shall be considered pending until the sentence is pronounced. If the same defendant is charged with the same or a lesser grade offense, the case shall be transferred to the Section in which the pre-sentence investigation is pending. If the defendant is charged with a greater offense, the case shall be regularly allotted and not transferred. The case in which a pre-sentence investigation is pending shall not be transferred.

6. After sentencing on the original charge, the case is considered complete and any other cases filed thereafter on the same individual may not be transferred to that Court even though a multiple bill has been filed on the original charge.

7. When a judge recuses himself, is recused from, or for some other reason a case is reallocated from his Section of Court, the Judge receiving the case has the option of transferring to the initial transferring Court:

(a) An open case that is similar to the case received in terms of class, counts, and number of defendants; or

(b) An open case that is the same class but contains fewer counts or defendants; or

(c) An open case that is a lower class case but does not exceed the one received either in terms of counts or defendants. A case cannot be transferred to the initial transferring court unless motions have not been heard or the motion hearings have been heard and completed.

8. The Clerk shall notify the Sheriff immediately when a case has been transferred.

9. The Clerk shall assign all fugitive matters to the Magistrate Section.

10. The transfer rules of the Court shall remain in effect until the date a plea of guilty is entered or a conviction is had.

11. When two (2) or more cases which co-exist are subject to the existing transfer rule and the controlling case is closed, the remaining case or cases may be transferred if they are open at the time the controlling case was disposed of.

BAIL

When a District Judge sets bail, all matters pertaining to the bail, including motions to modify the amount or type of bail, shall be heard by the District Judge who set the original bail. When

the Magistrate Judge or Commissioner sets first appearance bail, any motion to modify the amount or type of bail may be heard by any District Judge, the Magistrate Judge, or the Commissioner who set the original bail. If the case has been allotted and/or transferred to a section of court, then bail issues shall be heard by the District Judge or Magistrate Judge presiding over the section to which the case has been allotted or transferred.

MISCELLANEOUS

1. A Bill of Information filed charging a defendant as a multiple offender is to be considered as a proceeding in the last felony case and shall be filed in the same file as the indictment or information on which the last felony conviction was had.

2. A petition for a Writ of Habeas Corpus may be presented to any Judge prior to filing the writ in the office of the Clerk, and the Judge to whom the petition is presented may act upon it individually. It must immediately thereafter be filed with the Clerk. It shall not be allotted, but returned directly to the Judge to whom the petition was originally presented.

3. Applications for a subpoena or a subpoena duces tecum made by the District Attorney for appearance or production before the Grand Jury, are to be made to the Judge in charge of the Grand Jury. In cases pending in Court, applications for subpoenas are to be made in the Court to which the case was allotted. In non-allotted cases, applications for subpoenas or subpoenas duces tecum are to be made to the Magistrate or one of the Commissioners. Any Judge may issue such subpoena, but all contested matters that arise as a result of the issuance of the subpoena shall be assigned to the Magistrate or Commissioner on duty at the time of the issuance of the subpoena.

4. All motions are to be filed in the Section in which the matter is pending. After filing, motions are to be delivered to the respective Section which will then schedule a hearing for the motion to be heard. The Clerk shall then notify the defense counsel and the District Attorney of the date of the hearing. The minute clerks are in no way responsible for the delivery of motions to the Judges.

5. Whenever a capias has been executed, the clerk shall place the individual on the docket and jail list of the appropriate Section the next work day following the execution of the capias. If that particular Section of Court is not in session on that day, the individual is to be placed on the jail list of the Section next in rotation according to the following schedule: A to B, B to C, C to D, D to E, E to F, F to G, G to H, H to I, I to J, J to A. The Magistrate Section is not included in the rotation schedule.

6. No record of the Clerk's Office shall be removed from the Criminal District Court building without the express permission of a judge and notification given to the Clerk, which notification shall include the date, time, and signature of the person removing the file.

7. Motions may be filed in the Clerk's office via facsimile. After a motion is received by facsimile, it shall be clocked-in and date. If the motion pertains to a new case, it shall be given a case and Section number. Two (2) copies are then to be made, one to be retained by the Clerk, the other to be retained by the Chief Deputy Clerk. The motion shall then be filed by the Clerk and copies sent to the District Attorney, and the Court to which the case has been allotted. The attorney who forwarded the motion has five (5) working days to present the original motion as well as a check for the payment of fees incurred. Once presented, the original motion shall then be backdated with the date of the facsimile. The original motion shall then be presented to the Judge to be signed or to be scheduled for hearing. It is the responsibility of the Attorney to insure that the motion reaches the Judge, however, the motion can be delivered to the Judge by the Clerk.

8. Judges shall not sign a facsimile motion.

9. The Clerk's office is responsible for confirming that the facsimile was received. A confirmation letter to the attorney shall be sent along with an itemization of the fees due or a bill for the same. A facsimile fee shall be included.

10. The Court En Banc and the Clerk shall set reasonable fees for the filing of motions by facsimile and the handling of the same.

11. The Clerk and the Court En Banc shall set a fee for filing motions to expunge an arrest and/or motion to set aside a conviction and to dismiss a prosecution.

Appendix 12

Rule No: 14.0

Random Allotment Traffic Offenses, Wildlife Offenses, and Appeals from Courts of Limited Jurisdiction

APPELLATE DIVISION

1. This Court has appellate jurisdiction over misdemeanor convictions not appealable to the Supreme Court. For the expeditious hearing of these appeals, there shall be four Appellate Divisions in this Court, designated as First Appellate Division, Second Appellate Division, Third Appellate Division, and Fourth Appellate Division.

2. The First Appellate Division shall consist of the Judges of Sections D, E, and G. The Second Appellate Division shall consist of the Judges of Sections F, I and A. The Third Appellate Division shall consist of the Judges of Sections B, C, and L. The Fourth Appellate Division shall consist of the Judges of Sections J, K, and H. The Judge of the magistrate Section will be available to sit on any Appellate Division if there is a direct need by the way of recusation of any Judge of any of the four Appellate Divisions.

3. The Clerk of Court shall randomly allot all misdemeanor appeals to the four Appellate Divisions. No appellate Division shall be allotted an appeal from one of its member Sections of Court.

4. The First and Second Appellate Divisions shall sit in odd months and the Third and Fourth Appellate Divisions shall sit in even months.

5. The Appellate Division will meet in the courtroom of the most Senior Judge on each Appellate Division. However, the Appellate Division will always meet in the courtroom of the Chief Judge regardless of seniority.

6. Two (2) Judges of any Appellate Division shall constitute a quorum and a majority must concur in any finding.

7. Any Judge who is absent at the hearing in the Appellate Proceedings shall not participate in that particular case.

8. Any appeal may be transferred from one Appellate Division to the other on the written motion of the State or the Appellant, provided that at least two (2) of the Judges of the Appellate Division to which the appeal is to be transferred consent to the transfer.

9. The return date on misdemeanor convictions appealed to an Appellate Division of this Court shall be set by the trial Judge at the time the motion for appeal is filed. The return date may be extended by the trial Judge at any time prior to the expiration of the sixtieth (60th) day. The court reporter shall move the Court for an extension of time in which to prepare the transcript if it is not prepared within sixty (60) days. Unless good cause is shown, the Trial Judge shall not extend the return date more than an additional sixty (60) days. On or before the return date, the court reporter shall file a certified copy of the transcript of the trial proceedings with the Appellate Division. If the transcript is not lodged with the minute clerk of the trial court timely,

the record shall be forwarded to the clerk of the Appellate Division for review on the facts of the record.

10. Upon receipt of the transcript in all cases appealed, the Clerk of the Appellate Division shall send a written notice to Appellant and Appellee of the filing of the transcript. Briefs shall be filed with the Clerk of Court for the Appellate Divisions. The brief of the Appellant shall be filed within fourteen (14) days after receipt of notification though certified mail, return receipt requested. The brief of the Appellee shall be filed twenty one (21) days after receipt of notification. If either the Appellant or the Appellee fails to file a written brief within the prescribed period, the right to oral argument will be denied to that party.

Appendix 13

Rule No: 14.1

See Appendix 11.

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14

ATTORNEYS' PRESENCE IN COURT

Rule No: 15.0

Assignment of Cases, Filing of
Motions, Pre-Trial and Status
Conferences

1. Attorneys having business in Court shall report to the appropriate Section of Court prior to the opening of Court, and inform the Minute Clerk of their presence.
2. All pleadings shall be in writing, properly endorsed and filed in Open Court.
3. All Motions filed by defense counsel in any case in this Court shall be accompanied by an applicable Memorandum on the law and the facts of the case. Such Motion shall not be accepted by the Minute Clerk or the Clerk of Court when a Memorandum is not filed with the Motion.
4. All motions, including those for Appeals, shall be dismissed if mover, appellant, or counsel fail to appear for the hearing of the Motion.

Pre-trial and status conferences are set at the discretion of the judge in the Section in which the case has been allotted.

5. If any attorney, including the District Attorney, has more than one matter set for trial or hearing on a given day in different sections of the Court, he shall so inform all the Judges of his expected whereabouts at least one-half (1/2) hour before Court convenes.

Attorneys shall give preference to trials and evidentiary hearings in the following order:

- (1) Felony trials wherein the defendant is incarcerated
- (2) Felony trials wherein the defendant is on bond but the case has previously been set for trial and continued to a specific date
- (3) Misdemeanor trials wherein the defendant is incarcerated
- (4) Misdemeanor trials wherein the defendant is on bond but the case has previously been set for trial and continued to a specific date
- (5) Trials set by the District Attorney via set sheet
- (6) Pretrial evidentiary hearings, including writs of habeas corpus, in which preference shall be given to that case bearing the lowest docket number.

It shall be the duty of the attorney to report immediately to the next court in the event a preference case is disposed of without trial or hearing.

6. Any Sheriff in attendance, shall seek for counsel in the various Sections of the Court, the Clerk's and Sheriff's Offices, when counsel has previously informed the Court of the particular place where he may be found.

7. No Judge shall detain, incarcerate or in any manner hamper an attorney from attending proceedings in any other Section of Court if the Section to which said attorney is proceeding has preference and the attorney has so informed the Court in accordance with Section 5 herein.

8. Attorneys shall have no contact with jurors during the jurors' month of service.

Appendix 15
Rule No: 15.1

Motion must be filed in open court. Minute entry prepared and motion placed in record. When motion filed, counsel is responsible for serving opposite counsel.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2

Counsel for indigent defendants may be appointed at the magistrate hearing by the presiding duty judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency, or whether defendant has retained other counsel. If the Court appoints, it appoints the Office of Public Defender.

Appointment of Counsel

Chapter: 18

Chapter Title: Arraignment

Appendix 17

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX17.PDF>

Rule No: 18.0

Waiver of Formal Arraignment

Chapter: 19

Chapter Title: Simultaneous Peremptory Challenges

Appendix 18
Rule No: 19.0

Simultaneous challenge by state and defense is allowed and conducted in chambers or at the bench in the presence of the the court reporter and minute clerk as well as the judge, the state and the defense attorneys.

Simultaneous Peremptory
Challenges

JURY TRIAL PROCEDURES

1. After the examination of prospective jurors in accordance with Code of Criminal Procedure Article 786, the Court may tender a prospective juror as provided by the first paragraph of Article 788, or alternatively, may require simultaneous challenges as hereinafter provided in Sections 2 through 6.

2. When the aforesaid examination of prospective jurors has been completed and all challenges for cause have been ruled upon, the name of each remaining prospective juror shall be submitted to the State and the defendant, whereupon they shall simultaneously accept or peremptorily challenge each juror submitted.

3. The simultaneous acceptance or peremptory challenge of each juror shall be accomplished by the designation of the State and the defendant at side bar with the Judge, not in open Court.

4. Once both the State and the defendant accept an adequate number of jurors, the jury shall be

sworn as a whole, and the remaining members of the venire shall be dismissed.
