

# TITLES I, II, and III

## Chapter: 15 Chapter Title: Assignment of Cases and Preliminary Motions

### Appendix 14

#### Rule No: 15.0

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

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1st Judicial District  
Court  
Parish of Caddo

#### SETTINGS

All pleadings shall be taken to the Clerk of Court's office for filing. The Clerk shall then deliver all filings which have an attached order or judgment to the assigned judge. After acting on the requested relief, the assigned judge shall return the original filing to the Clerk.

The judge assigned to each criminal section of the Court shall sign all orders and judgments in cases assigned to that section, except that in his/her absence, each judge shall make arrangements for another judge to sign his/her orders.

1. Motions, Hearings and Bench Trials. All motions, hearings and bench trials shall be set by approval of the court on motion of the district attorney, defense counsel, the court or other appropriate party. Other appearances may be scheduled as provided by law. No later than 4:00 p.m. on the judicial day preceding a session of the Criminal Division, the district attorney shall prepare and distribute to the sheriff, the court and the clerk of court an informational list for each section of the Criminal Division, showing the matters scheduled for the following session of each section. The district attorney shall also have available in his office for any other interested parties copies of the list by 4:00 p.m. of said day.

The list shall be posted by the sheriff on the outside of each criminal courtroom no later than 9:00 a.m. on the day covered by the list and should contain at least the following information:

- (a) Date applicable;
- (b) Section number and name of presiding judge;
- (c) Designation of courtroom; and
- (d) The defendant's name, the initials of the district attorney or his assistant handling the case, the defense attorney's name, the race and sex of the defendant, charges filed against the defendant or to be filed against him, why the defendant's case is on the docket, and if the defendant is on bond.

The district attorney does not have to include the above information on the list for any "duty" section with respect to defendants appearing for the first time in court after arrest. The order in which matters are listed on said informational list in no way binds the district attorney or the court as to the order in which matters may be taken up during the day.

The above described informational list is not the official docket of the court, but is prepared and posted to give the public, the court, attorneys and any other interested persons a general schedule of the matters to come before the court.

2. Jury Trials. The foregoing provision shall also apply to the setting of jury trials, except:

(a) the informational list with regard to jury trials in a section of the Criminal Division shall be prepared, distributed, and made available by 4:00 p.m. on the first judicial day of the week preceding the jury trial week for that section of the Criminal Division; and

(b) the informational list with regard to jury trials which is posted on the outside of each criminal courtroom shall not contain any reference to race or sex of the defendant and shall not contain the charges pending against him.

3. Joint Motions to Obtain Settings. The presence of defense counsel is not required in court when a setting

for a motion, hearing or trial is obtained by the district attorney, provided the district attorney and defense counsel have signed a joint motion to obtain a setting on a form approved by the court which specifies the matter to be set and the date of the hearing. The joint motion shall be filed in the record at the time of or prior to the district attorney's appearance in court to obtain the setting.

The presence of the defendant shall not be required when a setting is obtained pursuant to a written joint motion. It is defense counsel's responsibility to notify his client of the setting. It is the responsibility of the district attorney to notify those defendants on bond through the sheriff of the next date the defendant is required to be in court, and to notify the sheriff, jail and prison personnel that the presence of the defendant in custody is not required and of the next date when his presence in court is necessary.

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**2nd Judicial District  
Court  
Parishes of  
Bienville, Claiborne  
and Jackson**

The present practice is that the judge of the division to which a felony prosecution has been assigned reviews the list of pending felonies with the prosecutors and defense attorneys at least once a month in a status or pretrial conference called an "Omnibus Hearing" in the Second Judicial District Court.

**FILING AND DISPOSITION OF MOTIONS,  
EXCEPTIONS AND RULES**

All motions, exceptions and rules shall be submitted and determined after oral argument, unless the Court, for a good cause shown, orders otherwise. The party filing such a pleading shall serve and file with his motion, exception or rule, a brief written statement of the facts and reasons in support of the same and a memorandum of authorities on which he relies. If the motion, exception or rule requires the consideration of facts not appearing of record, he shall also serve and file copies of all photographs and documentary evidence he intends to present in support of his position. Each party opposing the motion, exception or rule shall serve and file no later than twenty-four hours before the hearing, a brief written statement of the facts and reasons advanced in opposition to the same and a memorandum of authorities on which he relies. If the motion, exception or rule requires the consideration of facts not appearing of record, he shall also serve and file copies of all documentary evidence or photographs which he intends to submit in opposition to the same. Any motion or exception and any opposition thereto which is filed without a memorandum of authorities annexed shall be summarily overruled and/or denied and may be called up by any opponent at any motion hour for this purpose. Attorneys appearing without filing such a memorandum of authorities will not be permitted to argue.

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**3rd Judicial District  
Court  
Parishes of Lincoln  
and Union**

At arraignment all felony cases are assigned a date for pre trial conferences.

In UNION PARISH Grand Juries shall be empaneled for the weeks beginning on the first Mondays of March and September of each year.

In LINCOLN PARISH, Grand Juries shall be empaneled for the weeks beginning on the second Mondays of March and September of each year.

The court, in its discretion, may fix any type criminal hearing or trial on any court day in order to expedite a hearing in any criminal case or proceeding, or to accommodate litigants or attorneys, or for any other reason.

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**4th Judicial District  
Court  
Parishes of  
Morehouse and  
Ouachita**

Unless a pretrial or status conference date is set in open court, it must be arranged with the Judge, District Attorney and Defense Counsel.

**5th Judicial District  
Court  
Parishes of  
Franklin, Richland  
and West Carroll**

A defendant in a criminal case must file a motion for a pre trial or status conference with the Division of Court to which the case has been assigned and the Judge of that Division will schedule the conference.

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**6th Judicial District  
Court  
Parishes of East  
Carroll, Madison  
and Tensas**

A pre trial conference or status conference in criminal cases may be requested by counsel for either party by written request to the Judicial Administrator or presiding judge.

All criminal cases must be filed with the Clerk of Court at least two days before being taken up in court. The court may waive this rule in its discretion, but all (civil and criminal) must have a docket number before being taken up in court.

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**7th Judicial District  
Court  
Parishes of  
Catahoula and  
Concordia**

Dates are assigned in open court at arraignment.

**GRAND JURIES**

1. A Grand Jury for Catahoula Parish shall be drawn according to law and impaneled by the Judge of Division "A" on the second Monday of the month of April and by the Judge of Division "B" on the third Monday of the month of October, of each year.

2. A Grand Jury for Concordia Parish shall be drawn according to law and impaneled by the Judge of Division "A" on the first Monday of the month of April, and by the Judge of Division "B" on the second Monday of the month of October of each year.

**CRIMINAL MATTERS**

In accordance with the provisions of La. C.Cr.P. Art. 886, the enforcement of fines and costs in criminal proceedings may also be accomplished through the use of the filing of offset claims against defendants pursuant to La. R.S. 47:299.1 et seq. Retroactive effect may be given to this rule if

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**8th Judicial District  
Court  
Parish of Winn**

Set by special order at arraignment.

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**9th Judicial District  
Court  
Parish of Rapides**

**PLEADINGS**

Revised effective  
Nov. 16, 2005

Subsequent to the filing of the original bill of indictment, bill of information or affidavit, the original of all pleadings, of whatever nature, (motion, exceptions, etc.) must be a typewritten original on 8 1/2 x 14 paper and be in the English language. Use of dot matrix or any printout of a similar nature unless of letter quality is expressly prohibited and shall not be accepted by the Court.

All pleadings and motions in criminal matters shall be filed with the Clerk of Court with sufficient copies for service and return of service as may be required.

**PRE-TRIAL MOTIONS, SETTINGS, PLEAS & PRE-TRIALS**

A) At arraignment, the District Attorney shall provide to the defendant a pre-trial memorandum with a plea offer, and may provide a copy of the case file(s) with a joint stipulation agreeing to informal, open-file discovery; if the defendant rejects the offer, they are then required to file motions within the delays provided by La. C.Cr.P. art. 521.

B) If the defendant pleads not guilty, the case will be set for a pre-trial conference within two (2) months. If at the pre-trial the defendant accepts the pre-trial offer, he will enter his plea of guilty on the pre-trial date. If the offer is refused, the defendant will be set for trial on a date to be determined by the District Attorney. If the defense fails to appear at the pre-trial conference, a bench warrant/bond forfeiture will issue for his arrest.

C) The dates for motions, pre-trials and trials will be determined by the judge of each criminal division and published on a court calendar.

D) Pursuant to R.S. 13:472 and Article 553 of the Louisiana Code of Criminal Procedure, a defendant, at the judge's discretion, in a non-capital felony or misdemeanor, may waive formal arraignment and enter a plea of not guilty without appearing in person. The plea of not guilty must be in writing, signed by the defendant and his attorney, with an acknowledgment of the pretrial date filed on the date of arraignment.

#### USE OF AUDIO-VISUAL ELECTRONIC EQUIPMENT

Pursuant to La. C.Cr.P. article 522 and 551, the Court may conduct seventy-two (72) hour hearings for the initial setting of bail, misdemeanor and non-capital felony arraignments by simultaneous transmission through audio-visual electronic equipment, with the location of the equipment to be determined by the Court.

At the seventy-two (72) hour hearing for the initial setting of bail, the judge and clerk, (or a representative of the clerk), shall be present; at arraignment, the judge, prosecutor, defense attorney and the clerk shall be present and the proceedings conducted in accordance with La. C.Cr.P. article 551, et seq.

If approved by defense counsel, a defendant's appearance at the pretrial motion may be by simultaneous transmission through audio-visual electronic equipment.

#### CRIMINAL TRIALS AND DUTY JUDGE

The judge in Courtroom 5 will conduct La. C.Cr.P. art. 230.1 hearings, contempt and domestic violence hearings in odd months, the judge in Courtroom 6 will conduct same in even months.

The judge in Courtroom 5 will purge the jury in even months and the judge in Courtroom 6 will purge the jury in odd months.

The minute clerk for the judge in Courtroom 5 will handle jury excuses in even months and the minute clerk for the judge in Courtroom 6 will handle the jury excuses in odd months.

The judges in Courtrooms 5 and 6 will back each other up if any cases are not resolved on the weekly docket

#### APPLICABILITY OF CRIMINAL COURT RULES

The following rules are applicable to and must be complied with by the following persons:

- (a) all law enforcement officers;
- (b) the personnel of this Court;
- (c) the Clerk of this Court and all personnel of that office;
- (d) attorneys at law; and
- (e) the District Attorney, his assistants and personnel of his office.

#### PUBLICITY, STATEMENTS AND DISCLOSURE

When a crime is believed to have been committed, pertinent facts relating to the crime itself and to investigative procedure shall not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any danger.

A. No person to whom these rules are applicable shall permit the interviewing or photographing of a person in custody by representatives of the news media.

B. From time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment in any criminal matter and until the completion of trial or disposition without trial, no person to whom these rules are applicable shall release, or authorize the release of, any extrajudicial statement for dissemination by any means of public communications, relating to that matter and concerning:

- (1) the prior criminal record (including arrest, indictments, or other charges of crime), or the character or reputation of the accused, except that the officer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;
- (2) the existence or contents of any confession, admission or statement given by the accused, or the refusal or failure of the accused to make any statement, except that the officer may announce without further comment that the accused denies the charges made against him;
- (3) the performance of any examination or tests or the accused's refusal or failure to submit to an examination or test;
- (4) the identity, testimony, or credibility of prospective witnesses, except that the officer may announce the identity of the victim if the announcement is not otherwise prohibited by law;
- (5) the possibility of a plea of guilty to the offense charged or a lesser offense; and
- (6) any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

C. It shall be appropriate during this period for a law enforcement officer, if authorized by his superior:

- (1) to announce the fact of arrest, as well as the time and place of arrest;
- (2) to announce the identity of the investigating and arresting officer or agency and the length of the investigation;
- (3) to disclose the nature, substance, or text of the charge including a brief description of the offense charged;
- (4) to quote from or refer without comment to public records of the Court in the case;
- (5) to announce the scheduling or result of any stage in the judicial process; and
- (6) to request assistance in obtaining evidence and the apprehension of the suspect, and to warn the public of any danger.

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**10th Judicial District  
Court  
Parish of  
Natchitoches**

Criminal pre trial and status conferences are ordered by the court relative to regularly scheduled criminal jury terms.

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**11th Judicial District  
Court  
Parish of Sabine**

Dates for Motions, Pre Trial and Status Conferences are set on the Court Calendar kept by the Clerk of Court and cases are fixed on next date in open court or by written motion.

**12th Judicial District  
Court  
Parish of Avoyelles**

Any party requesting a pre trial conference and/or a status conference in a Criminal Case shall request same either by formal Motion or by letter addressed to the Division to which the case has been assigned.

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**13th Judicial District  
Court  
Parish of Evangeline**

There are no pre trial and status conferences in Divisions A or B.

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**14th Judicial District  
Court  
Parish of Calcasieu**

Pre trials and status conferences are scheduled when requested by the State or defendant.

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**15th Judicial District  
Court  
Parishes of Acadia,  
Lafayette and  
Vermilion  
WITH  
AMENDMENTS OF  
3/07/02**

**FIXING AND TRIAL OF CRIMINAL CASES IN  
LAFAYETTE PARISH ONLY**

The defendant should be notified of the trial date and a pre trial (plea) day at the arraignment. A defendant who is incarcerated on the date of arraignment shall be assigned the earliest available pretrial and trial date for the track to which his case is allotted, regardless of the number of cases already fixed. Except upon special order of the Court, no defendant who has appeared on a pretrial date shall be reset for a subsequent pretrial date.

**FIXING AND TRIAL OF CRIMINAL CASES IN  
ACADIA AND VERMILION PARISHES ONLY**

In the Parishes of Acadia and Vermilion, the District Attorney, or his assistant, will certify and send to the Clerk of Court a list of cases ready for trial. The Clerk of Court shall thereafter send a copy of the docketed cases to the District Attorney or his assistant, who will promptly prioritize the cases in accordance with State v. Simpson.

**FIXING AND TRIAL OF CRIMINAL CASES IN LAFAYETTE,  
ACADIA AND VERMILION PARISHES**

The District Attorney, or his assistant, shall submit the prioritized order of trial to the Clerk for notice to counsel within 10 days after the PTC in Lafayette, and at least 30 days prior to trial in Acadia and Vermilion. All defendants shall be given adequate notice of the trial fixing and the order in which felony cases will be called for trial. No additions or deletions, nor any change in the order of cases fixed for trial shall be made to any felony trial docket except by order of the Court, pursuant to joint motion by both the State and the Defense.

Should any Judge dispose of all matters on the felony trial docket to which he has been assigned before the end of the weekly session, he shall notify other Judges holding criminal court during the same week and make himself available to handle any matters which will assist in the disposal of same, priority to be given to the criminal docket in the parish to which he is then assigned.

All scheduled felony cases are to be called for trial on the Monday of each criminal week. Witnesses are to be subpoenaed the same day.

The District Attorney shall advise the Sheriff, through the Chief Bailiff, of which Parish Prisoners or others shall be required for court, reasonably in advance of court.

Preferential fixings in felony cases shall be made only upon good cause shown of critical need due to the age, infirmity or unavailability of a party or material witness. This rule shall not be applicable to first degree

murder cases.

## DISCOVERY

In Lafayette Parish, those Assistant District Attorneys handling discovery through an open file procedure will complete that process prior to the scheduled pre trial conference. Defense lawyers will communicate that information to their clients prior to the pre trial conference. All discovery should be completed prior to the pre trial conference.

All counsel shall dispose of all pending pre trial motions, not requiring evidence or argument, at the time of the pre trial. Counsel urging a pre trial motion requiring evidence or argument should notify opposing counsel, at least 10 days prior to the pre trial, that a specified pre trial motion will require an evidentiary hearing or argument, so as to facilitate the attendance of witnesses and to allow for proper preparation and disposition of such pre trial motion at the pre trial. Otherwise, the Court shall have the discretion to allow pre trial motions to be referred to the date of the trial or to schedule a later specific date for the handling of such pre trial motions. In the case of the latter, and the trial date must be continued to facilitate the evidentiary pre trial motion, the defendant shall be personally notified of the evidentiary pre trial motion date and a new trial date, at the pre trial.

## REJECTION OF PLEA BARGAIN

When the Court informs the Clerk that it will not accept a plea bargain proposed, the Clerk shall note that in the record. Counsel in the case shall advise any Judge considering the same plea bargain of the rejection.

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**16th Judicial District  
Court  
Parishes of Iberia,  
St. Martin and St.  
Mary**

## GENERAL CRIMINAL RULES

1. The Court shall schedule certain days for hearing of juvenile, nonsupport, misdemeanor and felony arraignments, motions and cases.
2. The District Attorney shall control the fixing of criminal cases under the discretionary power of the Court.
3. The District Attorney shall have the privilege of calling for arraignment of defendants in criminal cases during civil terms of Court, with the Court's consent.
4. Except as otherwise specifically provided by law, defendants and their counsel shall comply with the orders of the Court which fix a deadline for the filing of motions, pleas, demurrers, and preliminary hearings; and the date of hearing itself. When such motions are simultaneously filed, wherever practicable they shall be consolidated and fixed for trial by one judicial order.
5. All counsel for defendants, whether appointed or otherwise, shall exercise all reasonable diligence and competence in the protection of the rights of their clients. However, the filing of frivolous and unnecessary motions or writ applications, without foundation in fact or law, is discouraged.
6. Defendants filing preliminary motions and pleas which involve complex questions of law or which the nature and circumstances of same reasonably warrant, shall file a pretrial memorandum at least five days prior to the hearing on same. The State, in opposing same, shall do likewise. As a non exclusive illustration of the foregoing, such memoranda may be necessary in connection with Motions to Suppress, Motions to Quash, Motions to Sever and Motions to Exclude Public from the Courtroom, but would ordinarily not be required in connection with Prayers for Oyer, Discovery Motions and Motions for Bill of Particulars.

The original memorandum is to be filed in the Clerk of Court's office, in the record but sealed if desired by the defendant, and a copy is to be sent by United States mail to the Presiding Judge at his domicile, and also to the prosecuting attorney unless Fifth Amendment considerations warrant otherwise.

The memorandum shall set forth the style and caption of the case, the date and place of the hearing in the first sentence of the first paragraph. The memorandum shall also set forth a statement of the facts and law applicable thereto.

Failure to file and distribute the memorandum shall subject the responsible party and/or attorney to such

disciplinary or other measures as the Court deems appropriate.

7 A. In order to provide the information required by C.Cr.P. 334(7), all persons arrested in the district shall be drug tested for cocaine and marijuana in accordance with C.Cr.P. 336. The Judges will not set a bond on felony charges without the drug test results, except at the seventy two hour first appearance. Each arrestee shall pay to the agency administering the drug test a testing fee of five dollars as a condition of his/her release on bail.

B. The amount and type or form of bail ordered and fixed by one judge shall not be modified by another judge except at an adversary hearing held specifically for that purpose upon written motion duly made and filed, after due notice of same having been given.

C. All juveniles arrested in St. Mary Parish shall be notified by the arresting officer to report to the Fairview Treatment Center, Bayou Vista, Louisiana, within forty eight hours of his or her release, for the purpose of a urine drug screen. In order to provide the information required by Children=s Code Article 826(C), all juveniles detained in the district shall be drug tested in accordance with C.Cr.P. Art. 336. Each juvenile detained shall pay to the agency administering the drug test a testing fee of Ten (\$10.00) Dollars as a condition of his/her release.

8. A. At each felony arraignment, the Court will schedule five events, which shall be attended by the parties indicated:

1) a status conference between the prosecutor, the defense attorney and the defendant to discuss a plea agreement, unresolved motions and unresolved discovery;

2) the delivery of a prioritized pre certification list (a list designating those cases with the highest probability of proceeding to trial on each trial date based on the mode of trial, the severity of the charges, the complexity of the evidence and the resolution of preliminary matters) by the prosecutor to the judge and the Indigent Defender Office;

3) a pretrial conference among the judge, the prosecutor, the defense attorney and the defendant to discuss a plea agreement, unresolved motions, unresolved discovery and such matters as may aid in the prompt and fair disposition of the charges;

4) a plea day for the defendant to plead guilty or reject the plea agreement offered by the prosecutor; and

5) a trial date approximately ninety days following the arraignment. None of these events may be continued, unless previously ordered by the court.

B. The prosecutor and the defense attorney may by agreement conduct the status conference before the date set by the court.

C. At the status conference the attorneys shall complete a plea offer and status report on the forms provided by the court.

D. On the day following the status conference the prosecutor shall file in the record the completed plea offers and status reports.

E. During the pretrial conference,

1) the judge will advise the attorneys which plea offers s/he will approve;

2) the defense attorney will communicate the plea offer to the defendant; and

3) the judge will establish a scheduling order for the completion of discovery and the hearing of unresolved motions.

F. If a defendant does not plead guilty on the plea day scheduled by the court, the defense attorney and defendant shall certify in writing to the Court that the defense attorney has advised the defendant of the plea offer and of the rule that after the plea day, the Court will not consider a plea agreement, except for good cause shown.

9. Unless defense counsel requests defendant=s appearance in open court, defendant may appear for arraignment and enter his/her plea by way of simultaneous transmission through audio visual electronic equipment.

10. The court reporter shall produce the transcript of a misdemeanor plea or trial within thirty (30) days of an attorney's written request for production.

#### CENTRAL JURY POOL

1. Pursuant to statutory authorization, there is hereby created the Sixteenth Judicial District Court Central Jury Pool which shall be constituted and administered in accordance with these rules.

2. There shall be a central jury pool for criminal and civil cases for the Parishes of Iberia, and St. Mary. The central jury pool shall be administered by the Jury Administrative Judge who shall be the judge presiding over the petit jury and shall be assisted by such other persons appointed by the Court.

3. The cost of convening the jury commissioners for the drawing of jurors for a particular term of summoning the jurors shall be divided equally between the criminal and civil. Civil is to be further divided by the cases which are on the docket for that part of the jury term as of the date the panel is drawn by the jury commissioners.

4. The judge presiding over the petit jury shall serve as the Jury Administrative Judge. The Jury Administrative Judge shall have the following duties:

a. To approve excuses, exemptions and reassignments pursuant to law and these rules.

b. To welcome members of the jury pool.

c. To qualify the members of the jury pool.

d. To issue orders as may be required to carry out the jury selection and management process.

5. Jurors selected to serve in the central jury pool may serve as jurors in either civil or criminal matters, or both.

6. Any person requesting to be excused from jury service shall present the reasons in writing the Jury Administrative Judge who shall determine whether or not the request to be excused is to be granted. Those jurors excused for undue hardship or extreme inconvenience shall be re scheduled for a specific subsequent jury term.

7. The central jury pool shall be selected at random from persons included within the general venire. The number of persons selected to comprise the central jury pool shall be one hundred and fifty or such other number as may be designated by the Court. Jurors shall be required to serve in the central jury pool until discharged by the presiding judges.

8. Persons shall be called from the central jury pool at random and indiscriminately to serve in either section of court in accordance with the procedures established hereafter.

9. Persons selected to serve on a central jury pool panel and not selected to serve on a jury shall be returned to the central jury pool. Persons who have been selected to serve on a jury or as an alternate, upon completion of the service, shall be returned to the central jury pool and shall be eligible for service in any other trial.

10. Persons summoned for the central jury pool shall serve a period of one week unless sooner discharged. A person serving on jury or as an alternate shall serve until discharged if the case is not completed at the end of the week.

11. Upon initiation of trial by jury, the Court shall be assigned a panel of jurors randomly selected from the jury pool, the number to be determined by the request of the Court. If the need arises, the Court may request additional persons from the central jury pool. These additional persons shall be provided in jury pool panels selected at random and indiscriminately from the central jury pool.

12. If either division of the court anticipate the trial of more than one jury case during the week, juries for the week shall be selected on Monday, and if necessary, also on Tuesday so that the remaining members of the jury pool not selected for jury service may be released from further duties during that week.

13. These rules apply only to Iberia Parish and St. Mary Parish and supplement the methods presently provided by law and by the Court rule for selecting jurors.

#### POST CONVICTION RELIEF

Applications for post conviction relief shall be referred by the Clerk of Court to the Judge who imposed sentence in the case or to the sentencing Judge's successor.

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**17th Judicial District  
Court  
Parish of Lafourche**

Allotment of Criminal Cases: At arraignment, or upon the filing of any contradictory motion, all criminal matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby felony criminal cases shall be equally divided among the divisions of court. The Clerk of Court shall further devise a system whereby misdemeanor criminal cases shall be equally divided among the divisions of court, but excluding the division designated by order of the Court as the "Drug Treatment Court." Whenever more than one bill of information or indictment is filed against a defendant, or against multiple defendants in a related incident, they shall be allotted to the same division based upon the first matter allotted.

Motions for preliminary examination or to reduce bail may be heard by the criminal duty judge then sitting or, at his discretion, by the succeeding criminal duty judge, or these matters may be heard by the judge of the division to which the case is allotted.

If a defendant in a felony or misdemeanor matter is accepted into the Drug Treatment Court, that case and any other criminal matter pending against that defendant shall be reallocated to the division of Court then designated as the Drug Court. This rule shall not cause any other matter to be allotted to the Drug Court solely because of this reallocation, such as a companion case. If the Court by en banc order changes the designation of the Drug Court to another division, the cases of all defendants then participating in the Drug Court program shall be reallocated to the newly designated division of Court in accordance with this rule.

#### CRIMINAL MATTERS

Each division of Court shall conduct magistrate hearings and arraignments every fifth (5th) month, commencing with Division A on January 1, 2002, and continuing thereafter in alphabetical order. Arraignments shall be scheduled for 9:00 a.m. and magistrate hearings shall be scheduled at the discretion of the presiding judge.

Each division of Court shall conduct pre trial conferences each month in all criminal matters allotted to that division. Each division of Court, except the Drug Court, shall assign at least one day each calendar month to conduct trials in misdemeanor cases.

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**18th Judicial District  
Court  
Parishes of Iberville,  
Pointe Coupee and  
West Baton Rouge**

Pre trial and status conferences in criminal cases are set on arraignment day or motion day in open court.

Defendants requesting a special setting may do so by filing a written motion and order.

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**19th Judicial District  
Court  
Parish of East Baton  
Rouge**

The docket of each criminal section is divided into eight consecutive weekly periods, regardless of holidays, three of which are for jury trials; four of which are devoted to the trial of misdemeanors, the trial of bond forfeiture suits, arraignments and the hearing of pre-trial and post-trial motions; and the remaining week the

As amended through  
April 29, 2005

judge of each section serves as duty judge, with alteration of this schedule at each judge's discretion. Further, pre-trial conferences may be assigned during any week at the discretion of the presiding judge, and are set upon court motion and order or upon the motion of either party and the Court's approval. Nothing herein shall be interpreted to prohibit the criminal judges from varying the aforementioned schedule according to the demands of their respective caseloads or court-sanctioned and authorized holidays.

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**20th Judicial District  
Court  
Parishes of East  
Feliciana and West  
Feliciana**

The court shall schedule pre trial or status conferences at arraignment or later on its own motion.

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**21st Judicial District  
Court  
Parishes of  
Livingston, St.  
Helena and  
Tangipahoa**

Pre trial and status conferences in criminal cases shall be scheduled by the presiding judge upon motion of the state or the defendant.

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**22nd Judicial District  
Court  
Parishes of St.  
Tammany and  
Washington**

The Court may set any pre trial and status conferences it deems necessary or appropriate upon written or oral motion by the state, the defendant or itself.

If a defendant fails to appear at a pre trial or criminal motion setting for which they have been served personally or through their attorney, an attachment will be issued for their arrest and the bond for this attachment shall be in an amount doubled that of the original bond set for the charge. If the original bond was set as a release on their own recognizance bond then the bond for the attachment shall be Cash, Property or Surety only. Any counsel who had notice and fails to appear may be appropriately sanctioned. The presence of both the client and attorney are required at pre trial and status conferences unless either's presence is expressly waived by the Court.

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**23rd Judicial District  
Court  
Parishes of  
Ascension,  
Assumption and St.  
James**

Written, or oral motions in court, may be made by State or Defense Counsel.

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**24th Judicial District  
Court  
Parish of Jefferson**

The court may schedule pretrial or status conferences at arraignment or later on its own motion. Said conferences may be requested by counsel for either party by written or oral request to the court.

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**25th Judicial District  
Court  
Parish of  
Plaquemines Parish**

**MOTIONS AND HEARINGS ON MOTIONS, PRE TRIAL  
CONFERENCES AND TRIALS IN CRIMINAL CASES**

1. All Pre trial Motions shall be filed in accordance with C.Cr.P. Art. 521 or any amendments thereto.
2. The hearing dates for the motions and for the pre trial conference shall be fixed at the time of arraignment

of defendant.

3. The trial of all felony cases shall be set on motion of the District Attorney at the pre trial conference, at which time both defendant and his attorney shall be present.

4. Written notice of hearings, pre trial conference and trials shall not be required when an order fixing hearings, pre trial conferences and trials is given in open Court, when the defendant and his attorney are present.

5. All Motions for Continuances in criminal cases shall be submitted in writing not later than one (1) week before the date fixed for hearing and shall state the reason(s) therefor.

6. All requests for transcripts of court proceedings in criminal matters shall be in writing addressed and delivered to the court reporter in a timely fashion. A copy of such request shall be attached to all motions to continue or delay a trial or motion of a matter based upon a lack of such a transcript. Failure to attach a copy of such a request, and to demonstrate a timely request for a transcript may result in a denial of the request for a continuance or delay.

7. A defendant in a non capital felony case may waive formal arraignment and enter a plea of not guilty without appearing in person. The motion must be in writing and comply substantially with the form provided for and on file with the Clerk of Court.

#### GRAND JURY

A new Grand Jury shall be impaneled during the month of March and during the month of September of each year, or at such other time as the Court may order.

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#### **26th Judicial District Court**

**Parishes of Bossier and Webster**

Pre trial status conferences may be ordered by the Court in any criminal matter.

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#### **27th Judicial District Court**

**Parish of St. Landry**

Amended June 2, 2003, effective July 1, 2003; Amended May 31, 2005; Amended Jan. 9, 2006, effective June 1, 2006

#### FIXING CRIMINAL CASES FOR TRIAL

1. Criminal cases shall be fixed for trial at arraignment, status hearings or on written motion of the district attorney.

2. A case may be fixed for trial by the court if an accused establishes in a contradictory hearing with the district attorney that he has been deprived of a speedy trial.

3. Criminal cases allotted to the several divisions of court shall be heard in the month that the judge affected is sitting on the criminal bench as provided for in Appendix 2, Rule 3.1; however, special fixings may be obtained by request and with court approval.

4. By 9:00 A.M. on the first working day of each month, the district attorney shall prepare and file with the Clerk of Court, and with a copy to the court, a document reflecting the order in which cases on the felony trial docket will be called for trial that month. Upon receipt of the document from the district attorney, the Clerk of Court shall make a copy of the document available to defense counsel of record in those cases contained on the order of trial. But in no event shall the list be filed later than five (5) days prior to the commencement of jury selection for the month affected.

There shall be no additions, deletions or changes in the order of the prepared list as filed by the district attorney, except by an order of court pursuant to the joint motion of the State and defense, or upon a showing that exceptional circumstances, beyond the control of either the State or the defense, could materially impact the rights of the accused or impair the State's ability to present a case.

#### FIXING BAIL

1. Bail shall be fixed by the criminal duty judge at the time the accused is arrested and in his absence, by any other judge.
2. The Sheriff of St. Landry Parish and all police departments that book an accused shall make the following information available to the judge fixing bail:
  - (a) The seriousness of the offense charged, including but not limited to whether the offense is a crime of violence or involves a controlled dangerous substance.
  - (b) The weight of the evidence against the defendant.
  - (c) The previous criminal record of the defendant.
  - (d) The ability of the defendant to give bail.
  - (e) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant's release.
  - (f) The defendant's voluntary participation in a pretrial drug testing program.
  - (g) The absence or presence of any controlled dangerous substance in the defendant's blood at the time of arrest.
  - (h) Whether the defendant is currently out on bond on a previous felony arrest for which he is awaiting institution of prosecution, arraignment, trial, or sentencing.
  - (i) Any other circumstances affecting the probability of defendant's appearance.
  - (j) The type or form of bail.

#### BAIL REDUCTION HEARINGS

1. Any and all Bond Reduction Motions filed subsequent to original bail being fixed at magistrate's hearing shall be heard by the judge of the division to whom the case is assigned at said magistrate's hearing.
2. If a judge at the magistrate's hearing orders formal application for bail, then formal application for bail must be made to the judge of the division the case has been assigned to at said magistrate's hearing.

#### MAGISTRATE'S HEARING

1. A magistrate's hearing shall be conducted each judicial day or days when the courts are open unless the judge on the criminal bench at that time directs otherwise.
2. The general purpose of the magistrate's hearing is to fix bail (if bail has not been previously fixed), appoint counsel to designated indigents, schedule arraignments for those brought before the court, and to consider any other appropriate matters.
3. Each person who has been booked by the sheriff or any police department within the jurisdiction of this court shall be brought before the court at a magistrate's hearing on the first judicial or court's working day after booking.
4. The sheriff or police department having custody of a person brought before the court at the magistrate's hearing shall furnish in duplicate for each accused the court's designated magistrate's hearing form.
5. At the court's option, a party may appear for the magistrate's hearing in person, through the telephone, or by audio-video electronic equipment.

#### APPEARANCE OF COUNSEL ON PLEA DATES, DOCKET SOUNDING AND JURY SELECTION

1. In all divisions where criminal cases are to be heard, all prosecutors and defense attorneys, having cases

on the priority list that is prepared by the district attorney, shall timely appear in person for:

- a. Jury Selection--only trial counsel may select the trial jury,
- b. Trial,
- c. Verdict,
- d. Sentencing,
- e. Plea Day,
- f. Docket Sounding, and
- g. Pretrials.

2. There shall be no exception to this rule without the written permission of the judge affected.

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**28th Judicial District  
Court  
Parish of LaSalle**

### CRIMINAL TERMS

- (a) Those weeks beginning with the first Monday of each month, except the months of June, August and October, shall be designated as criminal weeks.
- (b) Those weeks beginning with the last Monday of each month, except the months of November, unless it has five (5) Thursdays and December are designated as the usual criminal jury weeks. Special criminal juries may be called and impaneled from time to time as ordered by the Court.
- (c) Pursuant to Louisiana Supreme Court Rule XXV, each person who has served upon a grand or petit jury shall be exempt from jury service for a period of Four (4) years after such service.

### PRE TRIAL AND OTHER PUBLICITY

- (a) When a crime is believed to have been committed, pertinent facts relating to the crime itself and the investigative procedure shall not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, and/or to warn the public of any danger.
- (b) Participation in, or permitting the deliberate placing of a person who is in custody for photographing or televising by representatives of the news media and/or the interviewing by representatives of the news media of a person in custody is prohibited and may be punished by contempt.
- (c) From time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment in any criminal matter, until the completion of trial or disposition without trial, no person to whom these rules are applicable shall release, or authorize the release of any extra judicial statement, for dissemination by any means of public communications, relating to that matter and concerning:
  - (1) the prior criminal record (including arrest, indictments, or other charges of crime), or the character or reputation of the accused, except that the officer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, may release any information necessary to aid in apprehension or to warn the public of any dangers which may be present;
  - (2) the existence or contents of any confession, admission or statement given by the accused, or the refusal or failure of the accused to make any statement, except that the officer may announce without further comment that the accused denies the charges made;
  - (3) the performance of any examination or tests or the accused's refusal or failure to submit to an examination or test;
  - (4) the identity, testimony, or credibility of prospective witnesses, except that the officer may announce the identity of the victim if authorized and if the announcement is not otherwise prohibited by law;

(5) the possibility of a plea to the offense charged or a lesser offense; and

(6) any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

(d) It shall be appropriate during this period for a law enforcement officer, if authorized by his superior:

(1) to announce the fact of arrest, as well as the time and place of arrest;

(2) to announce the identity of the investigating and arresting officer or agency and the length of the investigation;

(3) to disclose the nature, substance, or test of the charge including a brief description of the offense charged;

(4) to quote from, or refer without any comment to public records of the court in this case;

(5) to announce the scheduling of result or any stage in the judicial process; and

(6) to request assistance in obtaining evidence.

(e) The above and foregoing rules are applicable to and must be complied with by the following persons:

(1) all law enforcement officers;

(2) the personnel of this court;

(3) the clerk of this court and all personnel of his office;

(4) attorneys at law; and

(5) the district attorney, his assistants and personnel of his office.

At arraignment, each defendant or his then counsel of record, if any, shall receive a Criminal Scheduling Order which contains the deadlines for all filings as well as dates for hearings on motions and status conferences.

Prior to the time which any matter is scheduled, all attorneys participating in that matter shall be required to check upon service upon opposing parties and/or witnesses in such matter with the clerk of court and also the sheriff if there is no return on service in the record of the subject matter.

#### HABITUAL OFFENDER AND POST CONVICTION PROCEEDINGS

Bills of information filed pursuant to La. R.S. 15:529.1 and Post Conviction Relief Applications shall be assigned a new docket number.

#### ATTORNEY/BAIL HEARINGS

Any person entitled to a hearing pursuant to La. C.Cr.P. Art. 230.1 shall either be timely brought before the presiding judge for the purpose of fixing or amending bail and/or appointment of counsel in accordance with the provisions therein, or make appearance by telephone and/or audio/video electronic equipment, within the discretion of the presiding judge.

#### COSTS/FINES INCOME TAX OFFSETS

In accordance with the provisions of La. C.Cr.P. Art. 886, the enforcement of fines, restitution, and costs in criminal proceedings may also be accomplished through the use of the filing of offset claims against defendants pursuant to La. R.S. 47:299.1 et seq. Retroactive effect may be given to this rule as allowed by law and if the procedures therefore are followed.

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**29th Judicial District  
Court  
Parish of St. Charles**

Set in open court upon application of state or defense.

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**30th Judicial District  
Court  
Parish of Vernon**

A status conference is scheduled upon motion of either the State or defense. A status conference will be held in all capital and murder cases.

Pretrial conferences are held for each felony on the Wednesday next preceding the beginning of petit jury trials the following week.

Petit jury trials are fixed upon written motion of the District Attorney which may be filed at any time.

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**31st Judicial District  
Court  
Parish of Jefferson  
Davis**

All requests for a pre trial or status conference in criminal cases should be submitted to the Judge's office in pleading form.

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**32nd Judicial District  
Court  
Parish of  
Terrebonne**

Set out at arraignment or by written motion.

**GRAND JURIES**

Grand Juries shall be drawn and impaneled in accordance with law approximately two weeks prior to the opening day of Court in the months of September and February, and said Grand Juries shall make a report of their findings in open court on the first Monday after said impanelment.

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**33rd Judicial District  
Court  
Parish of Allen**

AMENDED  
EFFECTIVE APRIL  
15, 2003

All pre trial hearings, motions and status conferences in criminal cases are heard before the judge of the division to which the case is randomly allotted, except for 72 hour hearings, bond reduction hearings, discovery motions, notifications of attorney and preliminary examinations, which are scheduled at the earliest possible time before the judge responsible for the criminal docket at that time without reference to division allotment of the case. Such latter motions are in effect handled as duty judge matters on the criminal docket.

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**34th Judicial District  
Court  
Parish of St. Bernard**

**MAGISTRATE COURT**

Magistrate Court shall be held at 9:15 A.M. or said earlier or later time set by the duty judge of each judicial day, and the defendant shall either appear in person or by use of telephone or audio video electronic equipment as available in the St. Bernard Parish Jail.

All arrestees, in addition to being advised of the charges against them and their legal rights pertaining thereto, shall be informed as to their right of counsel if financially unable to obtain counsel of their choosing.

If the arrestee desires the Court to appoint counsel, he shall execute an affidavit provided by the Court and shall declare that he is financially unable to obtain counsel and desires that an attorney be appointed to represent him; and further that he will pay any periodic amounts assessed by the Court after a later determination of his financial condition. The Court shall then sign the arrestee's affidavit and appoint counsel.

The Clerk upon receiving the completed affidavit and order of appointment shall docket and allot the matter in the manner set forth herein for magistrate court.

The magistrate judge is authorized to recall bench warrants outstanding on criminal defendants and to charge a bench warrant recall fee of \$25.00 or such other amount as set based upon the defendant's record.

Magistrate court may be held at other times as the interests of justice may require.

### CRIMINAL HEARINGS

1. All arraignments, traffic, misdemeanors and felony cases and all pre-trial motions including motions to suppress, shall be heard pursuant to the schedule of master criminal dates prepared the previous year for each division unless the length and nature of the pre-trial motions require a special fixing.
2. All sanity hearings, motions pertaining to mental competency, misdemeanor trials and criminal pre trials shall be heard pursuant to the schedule of master criminal dates prepared the previous year for each division.
3. As far as practical, all writs of HABEAS CORPUS and proceedings for post-conviction relief shall be held on Thursday of each week unless a special setting on a civil day is deemed advisable by the trial judge.

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**35th Judicial District  
Court**

#### PRE-TRIAL CONFERENCE

**Parish of Grant**

The pre-trial conference is scheduled two to three weeks before the trial after a written motion is filed by the parties.

Amended effective  
May 1, 2009

#### JURY TERMS CIVIL AND CRIMINAL JURIES

- A. One week of each month shall be set aside as Jury Week. Both Civil and Criminal matters may be set during this week.
- B. Nothing herein shall prevent the Court from, in its discretion, converting a Civil Jury Term to a Criminal Jury Term or a Criminal Jury Term to a Civil Jury Term.
- C. Special juries for the trial of civil or criminal cases may be called and impanelled from time to time as ordered by the Court.

#### MOTION FOR CONTINUANCE

Motions for continuance of hearings or trials, whether ex parte or contested, shall be granted only when each party has received notice of the motion to continue and injustice would occur if the continuance were not granted. If an ex parte motion for continuance is granted, the party to whom the continuance was granted shall be responsible for promptly notifying all parties and witnesses of the continuance and subsequently having the matter reset.

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**36th Judicial District  
Court**

**Parish of  
Beauregard**

All pre-trial hearings, motions and status conferences in criminal cases are heard before the judge in the division to which the case is randomly allotted, except for 72 hour hearings, bond reduction hearings, and preliminary exams, which are scheduled at the earliest possible time before the judge responsible for the criminal docket at that time without reference to division allotment of case. Such latter motions are in effect handled as duty judge matters on criminal docket.

**37th Judicial District  
Court  
Parish of Caldwell**

By motion and order requesting pre-trial or status conference, except every Friday prior to the last full week of the month, at 10:00 a.m., there will be a status conference for all pending and docketed criminal matters set for petit jury trial that month.

WITH  
AMENDMENTS OF  
JUNE 2, 2003;  
EFFECTIVE JULY  
1, 2003

Petit Jury Weeks. Trials by jury will be conducted during the week commencing Monday of the last full week of the following months: January, February, May, June, September, and October. If the last Monday of any of these months fall on a legal holiday, trials will be scheduled for and veniremen summoned for Tuesday morning of the designated week. Unless otherwise ordered, jury trials will be scheduled to convene at 9:00 a.m.

Grand Jury Sessions. A grand jury panel will be summoned, empanelled and convened at 9:00 a.m. on the first Tuesday in September and on the first Tuesday in March.

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**38th Judicial District  
Court  
Parish of Cameron**

Pre-trial and status conferences in criminal cases will be scheduled by the court upon a written request to the presiding judge.

Petit Jury terms will be scheduled periodically and the schedule will be posted semi-annually with the Office of the Clerk of Court and of the District Attorney.

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**39th Judicial District  
Court  
Parish of Red River**

Criminal pre-trials scheduled every quarter during year in conjunction with the felony jury trial schedule posted in the Clerk of Court's office each year.

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**40th Judicial District  
Court  
Parish of St. John  
the Baptist**

Any party who desires a date for trial on the merits shall request a status conference before requesting a trial date in all cases except collection cases, domestic matters (except partitions), and uncontested matters. Exceptions to this rule may be made by the individual judges, depending on the nature or seriousness of the case. Pre-trial conferences may be scheduled at the discretion of the judge or at the request of a party.

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**Criminal District Court  
Parish of Orleans**

**ATTORNEYS' PRESENCE IN COURT**

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.

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**Civil District Court  
Parish of Orleans**

Not applicable to the Orleans Parish Civil District Court.

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**42nd Judicial District  
Court  
Parish of DeSoto**

Dates for Motions, Pre-trial and Status Conferences are set on the Court Calendar kept by the Clerk of Court and cases are fixed on the next date in open court or by written motion.

Adopted effective  
December 17, 2008