

TITLES I, II, and III

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

Appendix 15.0

Rule No: 15.0

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

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.

**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.

**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.

**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.

FIXING OF CASES FOR TRIAL

Criminal cases shall be fixed for trial on the merits by the District Attorney and/or any Assistant District Attorney on oral motion in open court or on written motion. However, motions or rules in criminal cases may be fixed by either the District Attorney or any of his assistants or by the defense attorney, PROVIDED that all motions by defense attorneys shall be accompanied by a certificate from the proper Clerk of Court showing the following:

- (1) Whether prosecution is by grand jury indictment or bill of information;
- (2) The date defendant was arraigned, if he or she has been arraigned; if not arraigned, the certificate shall so state;
- (3) The date on which an order was entered fixing the case for trial;
- (4) The type and date of notice given the defendant or his attorney of the fixing, i.e. (a) if notice was given in open court in the presence of defendant or his attorney, (b) if notice was by mail, or (c) by service on the defendant or his attorney; and
- (5) The date of the trial.

**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.

**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

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

Set by special order at arraignment.

SPECIFIC TERMS OF COURT

District Court

The terms of court shall be as follows:

A. Grand jury term shall be held in March and in September of each year other than special grand juries.

B. In addition to the above terms of court, trials may be held in Winn Parish as the business of the court so requires.

Collection on Bond Forfeitures. (a) 10% of all funds collected by the Attorney General shall be paid to the District Judge's Judicial Expense Fund.

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

Revised effective
Nov. 16, 2005;
amended effective
January 1, 2016;
amended effective
January 1, 2018.

The court will open at 9:30 a.m., on each weekday except legal holidays, unless otherwise specifically ordered. The court may recess from Noon until 1:30 p.m., unless otherwise ordered by the presiding judge.

All pleadings shall be filed with the Clerk of Court. The clerk of court shall deliver to the assigned judge all filings which have an attached order or judgment that needs to be signed. After acting on the requested relief, the judge shall return the original filing to the clerk of court.

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, the judge shall make arrangements for another judge to sign his/her orders.

Motions, Hearings, Pre-Trials and Trials

All motions, hearings, pre-trial conferences and trials shall be set by the district attorney's office on oral motion in open court or on written motion based on the available dates according to the calendar for the judge to which the case has been allotted.

At arraignment, all felony cases are assigned a date for a pre-trial conference. At arraignment, all misdemeanor cases may be either assigned a date for a pre-trial conference and/or a trial setting.

At the felony pretrial conference, the judge, prosecutor and defense attorney will discuss a plea agreement, unresolved motions, unresolved discovery and such matters as may aid in the prompt and fair disposition of the charges.

At the felony pre-trial conference, the district attorney shall provide to the defendant or defendant's counsel 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, the defendant's counsel or defendant are then required to file motions within the delays provided by La. C.Cr.P. art. 521.

At the felony pre-trial conference, if the defendant accepts the pretrial offer, he/she will enter his/her plea of guilty and may be sentenced. If the defendant is not sentenced on the pre-trial date, a sentencing date will be scheduled for such. If the offer is rejected, the defendant will be set for trial on an available date according to the calendar for the judge to which the case has been allotted. If the defendant fails to appear at the pretrial conference, a bench warrant may be issue for his/her arrest.

When the Court informs the clerk of court that it will not accept a plea bargain proposed, the clerk shall note that in the record. All counsel in the case shall advise any other judge considering the same plea bargain of the rejection.

During the pretrial conference, the judge will advise the attorneys which plea offers the judge will approve and the defense attorney will communicate the plea offer to the defendant. If the defendant does not plead guilty on Monday, 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 Monday before trial, the Court will not consider a plea agreement, except for good cause.

The judges in the criminal section of the court will back each other up if any cases are not resolved on the weekly docket.

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

CRIMINAL MATTERS

1. There shall be such terms of criminal court during each judicial year as each Judge in his discretion deems necessary for his division.
 2. Criminal arraignments shall be held as follows: Division A: The third and fourth Friday of the third and fourth full week of each month, except August. Division B: The first and second Friday of the first and second full week of each month, except August.
 3. Effective, immediately, counsel filing motions in any criminal proceedings shall give the following information in paragraph number one of any and all motions:
 - (a) The specific crime charged, citing statute and chapter and/or paragraph.
Example: Defendant is charged with Driving While Under the Influence of Alcohol under R.S. 14:98;
 - (b) Whether or not the defendant was charged by Bill of Information or by Grand Jury indictment; and, the date of the charge;
 - (c) Whether or not defendant has been arraigned; and, if so, the date;
 - (d) Whether or not a trial date has been set; and, if so, the date of the trial;
 - (e) Whether or not any other motions have been filed previously; and, if so, a description of what has been filed and what action has been taken by the Court on the motions.
 - (f) Whether or not there are any co defendants charged in the same Bill of Information, and also, the name and address of his or her attorney; and whether or not any motions have been filed on behalf of any co-defendant; and also, a description of the motion and whether or not a date has been set for the hearing of any such motions; giving the date that the motion is set for hearing; and, if any action has been taken by the Court on other motions; the result of that action.
 4. Effective immediately, counsel offering exhibits in jury trials will provide enough duplicate copies of the exhibit so as to provide each juror and the presiding judge and all counsel with a copy; except for items which cannot physically be duplicated or copied. For the purpose of this rule, all exhibits are presumed to be capable of being duplicated or copied unless otherwise allowed by the trial court.
 5. 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.

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

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

**14th Judicial District
Court**

Parish of Calcasieu

Amended effective
February 10, 2015.

1. Criminal matters will be heard on the days scheduled by the court for the disposition of such matters.
2. Any criminal jury case not taken up on the date fixed for trial shall stand fixed for each subsequent day of that petit jury term, unless otherwise ordered by the court.
3. When two or more criminal cases are fixed for the same day, the District Attorney may call them for trial according to his published priority list.
4. A written plea of NOT GUILTY to criminal charges triable by jury may be ordered filed if presented to the court at the time scheduled for arraignment, by counsel or the Clerk of Court, provided: that the document adequately identifies the charge(s) and acknowledges by counsel and the defendant that the defendant can read the English language; is aware of the nature of the charge(s); that counsel has advised, and defendant understands, the right to trial by jury and the right to waive trial by jury and be tried by the court; that defendant's election is for trial with or without a jury; the mailing address of counsel and the defendant; that defendant waives formal arraignment in open court or any objections as to informality thereof; and that defendant has read the document and enters a plea of NOT GUILTY to the charge(s). The document shall be signed and dated by defendant and counsel.
5. A plea of NOT GUILTY to charge(s) not triable by jury may be entered in a like manner and without the signature of defendant or the foregoing recitations, provided: the document adequately identifies the charge(s); waives formal arraignment and any objections to the informality thereof; contains the mailing address of defendant and counsel; and is signed and dated by counsel.
6. Such pleas may be delivered to the Clerk of Court, if desired, and will thereafter be presented in open court on the next scheduled date for arraignment. They shall not be considered filed, and may not be entered into or placed in the record of the case until so ordered in open court.
7. Pre-trials and status conferences are scheduled when requested by the State or defendant.
8. Pursuant to Louisiana Code of Criminal Procedure Article 522, the 14th Judicial District Court authorizes a defendant's appearance at any pre-trial motion or at any hearing on a pre-trial motion via simultaneous transmission through audio-visual electronic equipment, if approved by defense counsel. (This language also appears in new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

**15th Judicial District
Court**

**Parishes of Acadia,
Lafayette and
Vermilion**

WITH
AMENDMENTS OF
3/07/02; amended
effective June 30,
2009; amended
effective June 1,
2011; amended
effective January 1,
2016.

FIXING AND TRIAL OF CRIMINAL CASES IN LAFAYETTE PARISH ONLY

The defendant should be notified of the pre-trial (plea) day at the Arraignment. A defendant who is incarcerated on the date of arraignment shall be assigned the earliest available pre-trial date for the track to which his case is allotted, regardless of the number of cases already fixed. The defendant will be served with a trial date at the pre-trial appearance date. Except upon special order of the Court, no defendant who has appeared on a pre-trial date shall be reset for a subsequent pre-trial 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, at least 45 days prior to the trial date, 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 Clerk of Court shall, at least 45 days prior to the trial date, 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.

The District Attorney, or his assistant, shall submit the prioritized order of trial to the Clerk for notice to

counsel at least 30 days prior to trial. 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. 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.

USE OF AUDIO/VISUAL ELECTRONIC EQUIPMENT

Please see new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

16th Judicial District Court

Parishes of Iberia, St. Martin and St. Mary

Amended effective
September 10, 2015;
amended effective
January 1, 2016;
amended effective
November 14, 2017;
amended effective
May 8, 2018.

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 fifteen 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 the following events, which shall be attended by the parties as indicated with each event:

1) a status conference between the prosecutor and defense attorney (or self-represented litigant) to begin working on the pretrial order form completion (anytime not less than 15 days prior to pretrial conference). The Pretrial Order Form that will be provided by the court reads (form also available at <https://bit.ly/2IX1jek>):

PRE-TRIAL ORDER

STATE OF LOUISIANA 16TH JUDICIAL DISTRICT COURT

VS. NO. _____ PARISH OF _____

_____ STATE OF LOUISIANA

PRESENT AT THE CONFERENCE WAS:

_____, Assistant Attorney General/Assistant District Attorney

_____, Attorney for Defendant

_____, Defendant

After discussion of the case with counsel, the Court made the following determination as to the status and issued the following Orders, to wit:

DISCOVERY/PRE-TRIAL MOTIONS

DISCOVERY IS _____ COMPLETE _____ INCOMPLETE

WHAT DISCOVERY IS STILL OUTSTANDING?

STATE PROVIDE ADDITIONAL DISCOVERY ITEMS BY: _____
DEFENSE TO PROVIDE STATE REQUESTED DISCOVERY BY: _____
OUTSTANDING PRE-TRIAL MOTIONS: _____ NO _____ YES
WHAT MOTIONS OUTSTANDING: _____

HEARING DATE OF PRE-TRIAL MOTIONS: _____
WHAT MOTION(S) INTEND TO FILE: _____

DEADLINE FOR FILING OF MOTIONS: _____

TRIAL DATE IS FIXED FOR: _____ # OF TRIAL CONTINUANCES _____
_____ CASE IS TRIAL READY BY STATE
_____ CASE IS TRIAL READY BY DEFENSE

ONLY OPEN-END PLEA ACCEPTED AFTER THIS DATE _____
PLEA OFFER MADE BY THE STATE: _____ YES _____ NO
PLEA ACCEPTED BY THE DEFENSE: _____ YES _____ NO
COUNTER OFFER MADE BY DEFENSE: _____ YES _____ NO
PLEA OFFER ACCEPTED BY THE COURT: _____ YES _____ NO
PLEA OFFER ACCEPTED BY THE VICTIM: _____ YES _____ NO
GUILTY PLEA TO BE ENTERED ON: _____
ADDITIONAL ORDER OF THE COURT:

ASST DA/ ASST AG

ATTORNEY FOR DEFENDANT JUDGE

2) the delivery of a prioritized pre-certification list by the prosecutor to the judge and the Public Defender's Office on or before the pretrial conference;

3) a pretrial conference among the judge, the prosecutor, the defense attorney, and the defendant to discuss the matters listed on the pretrial order form;

4) a motion day available for any pretrial motions filed by the State or defense;

5) a plea day;

6) a trial date.

At the felony arraignment, the defendant will be served with notice of the mandatory pretrial date and mandatory trial date.

B. The prosecutor and the defense attorney shall conduct the status conference in person or via telephone. During or before the status conference, the prosecutor shall complete a plea offer. During the status conference the prosecutor and the defense attorney shall complete as much of the pretrial order form as possible to present to the court at pretrial for completion and filing into the record. After status conference and prior to pretrial conference, the defense attorney shall communicate the plea offer to the defendant.

C. During the pretrial conference, the parties will advise the judge of the status of the case via completion of the pretrial order form, the judge will establish a scheduling order for completion of discovery and the hearing of any unresolved motions, the judge will advise the attorneys which plea offers s/he will approve, and the defendant will be served with any necessary motion or plea dates.

D. If the defendant does not accept a plea agreement, prior to the start of trial, the defense attorney and

the defendant shall certify on the record that the defense attorney has advised the defendant of the plea offer and when the State will no longer extend such offer.

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. 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.

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.

ELECTRONIC WARRANTS

Warrantnow is designated and approved for the purposes of receiving electronic applications for warrants in the Sixteenth Judicial District Court.

WAIVER OR REDUCTION OF ANNUAL REGISTRATION FEE REQUIRED BY LA. R.S. 15:542D

If an offender is unable, because of indigency, to pay the annual fee required by La. R.S. 15:542D, he may apply to a District Judge for a waiver or reduction of the fee. An offender shall apply for a waiver or reduction by completing the form below.

FORM:

APPLICATION FOR WAIVER OR REDUCTION OF ANNUAL REGISTRATION FEE

NAME OF APPLICANT _____

ADDRESS _____

OFFENSE COMMITTED _____

PARISH OF CONVICTION _____ DATE OF CONVICTION _____

MONTHLY EXPENSES:

Rent/House Note _____ Medical Expenses _____

Utilities _____ Child Support _____

Car Note/Expenses _____ Food _____

I certify that the information provided above is true and correct.

Date: _____ Signature: _____

Approval/Disapproval

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

Amended effective
January 1, 2009.

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 on a bi-weekly basis, commencing with Division A on January 1, 2009, 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.

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.

CRIMINAL MATTERS

Empaneling of Grand Jury. Grand Juries will be empaneled in each parish of the district in September and March of each year. The Grand Juries will be empaneled as follows: West Baton Rouge -- First Tuesday in September and First Monday in March; Iberville Parish -- Third Monday of September and March; and Pointe Coupee Parish -- Fourth Monday of September and March.

19th Judicial District Court

Parish of East Baton Rouge

As amended through April 29, 2005

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 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.

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.

ORDER OF CRIMINAL TRIALS

Criminal matters including arraignments, motions and misdemeanor trials shall be heard as follows:

East Feliciana: Tuesdays

West Feliciana: Thursdays

The duty judge for criminal matters shall be the judge sitting in the respective parish as shown in Appendix 23.1. He shall set bonds, conduct 72-hour rules and otherwise conduct the business of the criminal court in that parish as indicated. Seventy-two hour rules may be conducted by phone or live video.

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

SPECIAL RULES REGARDING SANITY COMMISSION CASES, AND PRE-ALLOTMENT MOTIONS FOR PRELIMINARY EXAMINATION AND MOTIONS TO REDUCE BAIL

Section 1

Motions to reduce bail in cases which have not yet been formally allotted must be filed by Friday at noon in order to be heard the following week, with a copy furnished to the district attorney. These will be scheduled before the assigned duty judge to be heard contradictorily on Wednesdays in Livingston, Thursdays in Tangipahoa, and Fridays in St. Helena Parish.

Section 2

Pre-trial motions for preliminary examination in cases which have not yet been allotted may be heard by the duty judge in accordance with Louisiana District Court Rules 14.2 and 14.4. However, in order that the allotted judge and the assistant district attorney and assistant public defender assigned to allotted judge's division may become more familiar with the facts of the case, these motions should normally be assigned to the next duty cycle of the allotted judge in accordance with the official Court Calendar.

Section 3

In order to accommodate the schedules of the appointed members of the Sanity Commission, Sanity Commission reports shall be heard contradictorily on the assigned date of the Sanity Commission hearing by the duty judge, regardless of the allotment of the case, and said judge's findings will be entered into the record.

RECUSAL OF JUDGE IN CRIMINAL CASES

Section 1

In the event that a motion to recuse the presiding judge to whom a criminal case is allotted is assigned for a contradictory hearing, one of the other judges in Divisions "A" through "H" shall be assigned to hear the recusation proceeding through a random selection process.

Section 2

The judicial administrator or the designee of the judicial administrator shall maintain, for purposes of allotment of recusation hearings, a separate mechanical apparatus containing one chance for each division of the court. Once an order is signed granting a recusation hearing, the judicial administrator shall utilize this device to assign a judge to hear the recusation through a blind drawing from the mechanical apparatus a chance representing the division of court to which the recusation hearing shall be assigned. In the event that the chance of the division sought to be recused is drawn, the judicial administrator shall place this chance to the side, and shall then assign another division to the recusation hearing, and then replace the chance of the judge sought to be recused back into the mechanical apparatus.

Section 3

The judicial administrator or the designee of the judicial administrator shall maintain a record of each chance so expended. When only one division's chance remains unexpended in the mechanical apparatus, one additional chance for each division shall then be redeposited into the mechanical apparatus, and the process of allotment shall continue, utilizing the same method.

22nd Judicial District Court

Parishes of St. Tammany and Washington

Amended effective March 18, 2015; amended effective January 1, 2016.

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.

ELECTRONIC SIGNATURE

Please see new Appendix 3.4 ("Court-Specific Rules Concerning Judges' Use of Electronic Signatures").

SIMULTANEOUS AUDIOVISUAL APPEARANCE OF A PARTY OR WITNESS

Please see new Appendix 15.3 ("Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

23rd Judicial District Court

Parishes of Ascension, Assumption and St. James

Amended effective September 4, 2017.

Assignment of Cases and Preliminary Motions

A. When a motion for preliminary examination, a motion to suppress evidence, a motion to fix or reduce bail, or any other petition or motion, including a petition for a writ of habeas corpus, is filed before the filing of an indictment or bill of information, the petition or motion shall be assigned a docket number and shall be allotted in the manner established by Rule 14.0, unless the case has previously been assigned a docket number and allotted.

B. All felony bonds shall be set in writing by utilization of the form entitled "Offender Bond Fact Sheet" by forwarding to the Duty Judge's office during regular business hours. On weekends and holidays, the form shall be submitted in the following manner:

- Division "A" – Email or Fax
- Division "B" – Email
- Division "C" – Email
- Division "D" – Email
- Division "E" – Email

C. Misdemeanor bonds in Assumption Parish and St. James Parish shall be set as follows.

1. No misdemeanor arrestee in the parishes of Assumption and St. James subject to the jurisdiction of the 23rd Judicial District Court will be held in jail after arrest pursuant to a secured monetary bond that the arrestee cannot afford.

2. After arrest, all misdemeanor arrestees – except those expressly listed below – will be released on their own recognizance after the completion of the standard booking procedures. Immediately, upon release, arrestees shall be served with the same court date that is being given for traffic offenses at that time.

3. For those arrested on the following charges, the court shall make a case-by-case determination as to whether the arrestee will be released on recognizance. Specifically, the sheriff or the sheriff's designee shall forward to the duty judge a narrative, the arrest warrant, or post-arrest affidavit pertaining to the incident and the arrestee's criminal history. This information shall be submitted to the duty judge between the hours of 8:00 a.m. and 8:00 p.m. For those individuals arrested between the hours of 8:00 p.m. and 7:59 a.m., the Sheriff or his designee may wait until 8:00 a.m. to call the duty judge. If the arrestee is released on his or her own recognizance, he or she shall immediately be served with a court date pursuant to the schedule given for traffic offenses. If the arrestee is not released on his or her own recognizance, he or she shall be held without bond until he or she appears before the duty judge via video conferencing for the purposes of setting a bond. This appearance shall be no later than the next business day after the judge determined that the arrestee would not be released on his or her own recognizance.

- A. Domestic Abuse Battery
- b. Violation of Protective Order
- c. Stalking
- d. Aggravated Assault
- e. Battery on a Police Officer
- f. Disturbing the Peace by Engaging in a fistful encounter, or by Engaging in any Act in a Violent and Tumultuous Manner by Any Three or More Persons
- g. Operating a Vehicle while Intoxicated, First Offense
- h. Operating a Vehicle while Intoxicated, Second Offense
- i. Flight from an Officer
- j. Resisting an Officer
- k. Simple Assault
- l. Simple Battery

In cases involving the listed misdemeanor offenses the court retains discretion to operate pretrial detention procedures as specified in Code of Criminal Procedure Article 313.

Instructions to Jail Personnel:

Every person who is released on a personal recognizance bond shall sign this form. This form shall then be attached to the bond paperwork.

RECOGNIZANCE SIGN-OUT FORM

Defendant's name: _____

Charges:

I understand that I am being released on a personal recognizance bond and that if I am arrested for any future misdemeanor or felony offense, I will be in violation of this recognizance bond and will return to jail to be held without bond.

Furthermore, if I am charged with an offense involving an alleged victim or complainant, I understand that I am banned from having any contact with that person or persons as an additional condition of my bond.

Signature of Defendant

Date

**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.

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

**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.

Amended effective

May 20, 2015;
amended effective
January 1, 2016.

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.

USE OF AUDIO-VISUAL EQUIPMENT

Please see new Appendix 15.3 (“Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission”).

26th Judicial District Court

Parishes of Bossier and Webster

Amended effective
January 1, 2019.

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

JURY DOCKETING

Pursuant to Articles 17 and 702 of the Louisiana Code of Criminal Procedure, it is hereby ordered that criminal petit jury trials be docketed as follows:

A. Except for good cause shown, all petit jury cases shall be set for trial by written order. Not later than 30 days prior to the commencement of a petit jury term, the District Attorney shall request the setting of up to a maximum of 30 priority cases for each section or division which is scheduled for the next petit jury term. The cases shall be contained on a separate docket for each corresponding section or division and shall set forth cases to be called for that section or division, but not necessarily in the order in which the cases will be called for trial. The District Attorney shall file a signed copy of each written docket and order in the office of the Clerk of Court, simultaneously furnishing a signed copy of same to the trial judge assigned to preside over that jury term, and further furnishing a signed copy to the Public Defender’s Office and to all privately employed attorneys representing defendants on the docket.

B. As defendants contained on the original list of 30 cases for each section or division holding a petit jury plead guilty, or are otherwise removed from the docket for good cause shown, additional cases may be added to the end of the priority docket, up to two weeks before trial, but in no case shall more than 30 cases be set for a particular section or division’s petit jury term. In other words, the District Attorney may at all times have up to 30 cases set and docketed for each section or division scheduled for the upcoming petit jury term.

C. Not later than noon of the seventh day prior to any criminal jury term, the District Attorney shall file a separate trial docket for each section or division scheduled for a petit jury term showing the order in which

the cases on the original docket will be called for trial with:

1. The Trial Judge assigned for that jury term by delivering a copy to the judge's office. 2. The Clerk of Court of the Parish where that jury term will be held by delivering a copy to the clerk's office. 3. The Public Defender's Office of the Parish where that jury term will be held by delivering a copy to that office. 4. All defense attorneys, except attorneys with the Public Defender's Office, by mailing by postmark no later than noon.

These dockets must contain all the cases on the original dockets, less any deletions or additions made pursuant to the subsection "B" above, and must also contain any cases carried over from previous dockets.

D. A case may not be removed or continued from a docket except upon motion filed by the State or the Defendant showing good cause for the removal or continuance. Any such motion shall be filed and ruled upon by the Court at least ten days before the jury term commences, except for good cause shown.

E. Any case not tried during the jury term, whether because of a continuance granted by the Court or because the case was not reached during the term, must be carried over to that division's next jury term which is at least three weeks away. It shall be added to the docket, if the docket has been prepared. If the docket has not been prepared, the case or cases carried over shall be included in those 30 cases on the 30 day docket.

F. Preliminary motions, other than arraignments, preliminary examinations, bond reduction hearings and discovery motions, must be scheduled before the judge to which the case has been assigned pursuant to Rule 34.

G. Any guilty plea must be completed no later than the 10th day (Friday) before the day the jury term commences. After that time, no plea bargains will be accepted, and the defendant must either plead guilty "straight up" or go to trial.

H. Guilty pleas must be taken before the section or division to whom the case has been assigned.

**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;
amended effective
January 1, 2016.

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 3.1, 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. (This language also appears in new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

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.

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

CRIMINAL TERMS

Amended effective
January 1, 2016.

- (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. (This language also appears in new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

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.

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

Set in open court upon application of state or defense.

**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. Pre-Trial Conferences and Pleas are held for each felony case on the two Tuesdays preceding the beginning of the Petit Jury week. Petit jury trials are fixed upon written motion of the District Attorney which may be filed at any time.

Amended eff. August
1, 2017.

Arraignment and Criminal Motion hearings will be held on the first and fourth Wednesday of the month, unless changed by the Judge who is Duty Judge for that month.

**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.

**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.

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

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.

AMENDED
EFFECTIVE APRIL
15, 2003

**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. (This language also appears in new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission"))

Amended effective
January 1, 2016;
amended effective
September 7, 2018.

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 \$80.00 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.

**35th Judicial District
Court
Parish of Grant**

Amended eff. May 1,
2009; amended eff.
April 26, 2010; Dec.
1, 2010; amended
effective January 1,
2016.

A. PRE-TRIAL CONFERENCES

All pre-trial conferences shall be scheduled two to three weeks before the trial after a written motion is filed by one of the parties.

B. JURY TERMS, CIVIL AND CRIMINAL JURIES

- (1) One week of each month shall be set aside as jury week. Both civil and criminal matters may be set during this week.
- (2) 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.
- (3) Special juries for the trial of civil or criminal cases may be called and impaneled from time to time as ordered by the Court.

C. CRIMINAL MOTION PRACTICE; PREREQUISITES

In any criminal proceeding, a hearing will not be set by the Court on a Brady motion or any discovery motion filed pursuant to La. C.Cr.P. arts. 716-729, unless the party filing the motion has requested in writing that the matter be set for a contradictory hearing. The motion requesting that the matter be set for a contradictory hearing shall contain a certification that the following prerequisites have been met:

- (1) More than fifteen (15) calendar days have passed since the opposing party was served with the discovery motion;
- (2) The discovery request has not been satisfied; and
- (3) The mover diligently attempted to contact the other party to resolve the discovery issue and the parties have been unable to reach an agreement to resolve the discovery issue.

D. USE OF AUDIO-VISUAL ELECTRONIC EQUIPMENT

Please see new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

GRAND JURY

A Grand Jury shall be impaneled on the fourth Monday of the months of September and March of each year, or at such other times as the Court may order. Division A shall empanel the March Grand Jury; Division B shall impanel the September Grand Jury. Should the date set for the Grand Jury to be impaneled be a legal holiday, then it shall be impaneled on the first court day following the holiday.

CRIMINAL COURT CALENDAR

Except for those weeks designated as criminal jury trial weeks, and on those weeks commencing on a fifth Monday, the division of Court sitting in criminal session shall adhere generally to the following schedule during the Regular Term of Court:

Mondays -- Criminal Motions;
Tuesdays -- Arraignments;
Wednesdays -- Misdemeanor Trials;
Thursdays -- Criminal Motions;
Fridays -- Entry of Pleas/Criminal Motions and Felony Bench Trials and Motions.

The Court in the interest of justice and as docket need may dictate may also schedule any non-jury criminal matter for any available legal day.

PRE-TRIAL HEARINGS, MOTIONS, AND STATUS CONFERENCES

1. 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.
2. Each defendant scheduled for a criminal jury trial shall be ordered, together with his or her attorney, whether court-appointed or retained, to be present in person on a date and time specified at time of arraignment for a pretrial conference to be conducted in open court. Defendants and attorneys may receive relief from this appearance only through the presiding district judge.
3. By the end of the following business day after the pretrial conference, the District Attorney shall file a priority list to give notice to the court, defendants, and attorneys, as to the order in which the criminal jury trials will be called for trial.

With amendments of
June 2, 2003;
Effective July 1,
2003; Amended
effective January
2013.

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.

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 falls 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. Beginning in January 2013, trials by jury will be conducted during the week commencing Monday of the last full week of the following months: January, May, July, September and November; and, the third full week of the month of March. If the last Monday of any of these months falls on a legal holiday, trials will be scheduled for the previous 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.

**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.

**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.

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

Amended eff. Aug. 1, 2010.

Venue

A. During the Misdemeanor Week of each division, that division will sit on the East Bank of the Parish at least one day during that week for the purpose of conducting traffic court, misdemeanor arraignments and trials and felony arraignments. Court will be held at the courthouse or the courthouse annex. All misdemeanors and traffic violations which arise on the East Bank will be scheduled for these designated days, including contempt hearings, compliance hearings and other related matters stemming from the original offense. All misdemeanors, traffic violations and other related matters which arise on the West Bank will be scheduled for one day per month during the Misdemeanor Week of each judge, as designated by the judge of each division at the Courthouse on the West Bank.

B. All persons attending traffic and misdemeanor court shall check in with personnel located at the courtroom entrance for that purpose.

**Civil District Court
Parish of Orleans**

Not applicable to the Orleans Parish Civil District Court.

**Criminal District Court
Parish of Orleans**

BAIL

Amended April 20, 2010, eff. June 1, 2010; amended eff. Oct. 1, 2010; amended effective July 13, 2012; amended effective August 13, 2015; amended effective January 1, 2016; amended effective October 6, 2016; amended effective February 2, 2017.

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 bill of information has been filed, 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 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.

2. 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/pre-arrest matters, applications for subpoenas or subpoenas duces tecum are to be made to the Magistrate or a Commissioner. 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.

3. All motions are to be filed in the Clerk of Court's Office or in open Court in the Section in which the matter is pending. Upon filing, counsel after filing with the Clerk's Office, shall deliver filed pleadings 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. When motion filed, counsel is responsible for serving opposite counsel.

4. Pleadings may be filed in the Clerk's office via facsimile or U.S. mail. After a pleading is received by facsimile or U.S. mail, it shall be clocked-in and dated. If the pleading 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 pleading 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 pleading has five (5) working days to present the original pleading as well as a check for the payment of fees incurred. Once presented, the original pleading shall then be backdated with the date of the facsimile or U.S. mail. The original pleading shall then be presented to the Judge to be signed or scheduled for hearing. It is the responsibility of the Attorney to insure that the pleading reaches the Judge, however, the pleading can be delivered to the judge by the Clerk. The Clerk shall maintain all documents related to the pleadings, including but not limited to facsimile coversheet and mail envelopes. Upon receipt of these pleadings, the Clerk shall notify the Court within 24 hours of receipt.

5. Judges shall not sign a facsimile motion.

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

7. 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.

8. 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.

9. 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 K, K to L, L to A. The Magistrate Section is not included in the rotation schedule.

10. 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.

11. The Clerk of Court shall place on the respective Court's docket and Sheriff's Jail List, within two (2) business days after the filing of the bill of information or bill of indictment, arraignment of incarcerated defendants.

12. Material Witness

If a material witness warrant of arrest is issued pursuant to La. R.S. 15:257, the court shall require the moving party to file the material witness motion and the capias/warrant with the Clerk of Court.

The Clerk of Court will designate these pleadings as a fourth class case with a new case number. This material witness case shall be transferred to follow the predicate case where the presence of the material witness is required.

The material witness case must be nolle prosequied/dismissed and the capias recalled with a minute entry reflecting same once the need for the material witness expires.

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.

USE OF AUDIO/VIDEO EQUIPMENT IN PROCEEDINGS

Please see new Appendix 15.3 ("Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission").

**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
