

RULES FOR LOUISIANA DISTRICT COURTS

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

Chapter: 2

Chapter Title: Dates of Court

Appendix 2.0

Rule No: 2.0

Current holiday information, as set by Court En Banc, may be accessed via the Court's website at www.criminalcourt.org.

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

Amended effective August 13,
2015.

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 3.1

Rule No: 3.1

SECTIONS OF THE COURT

Divisions or Sections of Court
Effective September 7, 2004;
amended effective August 13,
2015.

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

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

Appendix 3.2

Rule No: 3.2

THE MAGISTRATE SECTION OF THE COURT

Duty Judges

THE MAGISTRATE

Amended effective August 13,
2015.

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

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

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

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

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

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

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

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

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

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

i. Mondays through Fridays 3:00 P.M and 8:00 P.M.; Weekends and Holidays between 10 A.M. and noon and 5:00 P.M.: First appearance hearings, bail hearings, preliminary hearings and any other hearings provided by law are to be conducted.

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

- (a) Arrest
- (b) Booking at Central Lockup

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

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

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

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

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

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

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

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

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

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

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

THE COMMISSIONERS

1. Commissioners shall be known as “Commissioners” or “Magistrates,” but not “Judges.”

2. A Commissioner shall be on duty between the hours of 3:00 p.m. and 8:00 a.m. weekdays, and on 8:00 a.m. Saturday to 8:00 a.m. Monday. There shall also be assigned a backup Commissioner for the same time periods.
3. Should the duty Commissioner be unavailable for his/her designated session, the duty commissioner must first notify the back-up commissioner that he/she will not be available for his/her session. The NOPD and Sheriff are to be notified that the back-up Commissioner has been authorized to act on behalf of the absent duty Commissioner.
4. In cases where the issuance of a search and/or arrest warrant is required, the NOPD shall attempt to contact the Magistrate. In his absence or unavailability, the duty Commissioner shall be contacted. In the absence or unavailability of the duty or back up Commissioner, any Judge may be contacted.
5. The Commissioners shall take no administrative action affecting the operation of their offices and/or the Court without first receiving approval from the Court En Banc.
6. Commissioners are authorized to:
 - (a) Sign search and arrest warrants
 - (b) Set bond
 - (c) Release defendants on secured or unsecured bonds
 - (d) Set and hear status hearings, rules to show cause, 48 hour hearings, and preliminary hearings
 - (e) Perform all duties and functions as set forth in State statute.
 - (f) Act as back up Magistrate for the Magistrate Judge and Commissioners.
 - (g) Issue arrest warrants and writs of attachment for those persons who have been found Not Guilty by Reason of Insanity or Unrestorably Incompetent to Proceed and who are in violation of Conditional Release Orders of this Court or who have failed or are about to fail to return to inpatient settings after being allowed an overnight pass from a mental hospital.
7. The Commissioners shall not grant any motion to leave the jurisdiction in any felony case allotted to a Judge.
8. If a Section record is required for a ruling, the matter should be taken under advisement until the next sitting of said Commissioner in order that the record can be secured from the Clerk's Office.
9. Matters should not be continued from the night shift to the day shift but should be continued to the next sitting of the same Commissioner unless circumstances so dictate.
10. If a bill of information has been filed and allotted, any motions should be filed in the Section to which it was allotted. The Judge of the Section is to determine whether or not the matter should be sent back to the Magistrate Section for further action.
11. Continuances should not be granted except on good and sufficient legal grounds. When a continuance is granted, the defendant and all witnesses present should be notified in open court of the time and date on which to return. A minute entry should reflect which witnesses were so notified in order to validate service.
12. The Commissioners have the duty to sign orders and/or hold contradictory hearings on pre-indictment motions initiated by the District Attorney authorizing the Clerk to issue subpoena or subpoenas duces tecum concerning offenses under investigation by the District Attorney as authorized by Article 66 of the Code of Criminal Procedure.
13. The Commissioners shall have at least one member of their staff available during all duty

hours in order to answer all telephone calls and to contact the Commissioner on duty.

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

Appendix 3.4

Rule No: 3.4

Court-Specific Rules
Concerning Judges' Use of
Electronic Signatures

Chapter: 4

Chapter Title: Court Personnel

Appendix 4.1

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Amended effective August 13,
2015.

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Hon. Arthur Morrell
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Chapter: 5

Chapter Title: Courtroom Use, Accessibility and Security

Appendix 5.1A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF>

Rule No: 5.1

Americans with Disabilities
Form

Appendix 5.1B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1B.PDF>

Rule No: 5.1

Request for Interpreter and
Order

Appendix 5.1C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.PDF>

Rule No: 5.1

Interpreters Oath

Chapter: 8

Chapter Title: Indigents and In Forma Pauperis

Appendix 8.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX8.0.PDF>

Rule No: 8.0

In Forma Pauperis Affidavit

Chapter: 9

Chapter Title: Procedure

Appendix 9.3

Rule No: 9.3

Allotments: Signing of
Pleadings in Allotted and Non-
Allotted Cases

Appendix 9.4

Note: This Court does not preside over civil matters.

Rule No: 9.4

Presentation of Pleadings to the
Court and Filing with the Clerk
of Court

Appendix 9.6

http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf

Rule No: 9.6

Civil Case Cover Sheet Form

Appendix 9.12A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf>

Rule No: 9.12

Notice of Limited Appearance -
Family Law Cases

Appendix 9.12B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf>

Rule No: 9.12

Notice of Limited Appearance -
Non-Family Law Cases

Appendix 9.14

This court does not preside over civil matters.

Rule No: 9.14

Fixing for Trial or Hearing;
Scheduling Orders; Contact
with Jurors

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 14.0A

ALLOTMENTS

Rule No: 14.0

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

1. The Clerk of Court will assign daily, randomly, and by allotment among the Sections having felony jurisdiction, all felony indictments and bills of information charging felony and misdemeanor offenses. All new 4th Class cases shall be randomly allotted to the twelve (12) sections of court and the Magistrate under the normal rules of allotment. Appeals from Municipal and Traffic Court and other pleadings shall be allotted among Sections A through L.

Amended and eff. Aug. 14,
1998; amended and eff. Sept.
7, 2004; April 20, 2010, eff.
June 1, 2010; amended eff.
Oct. 1, 2010; amended eff.
April 1, 2011; amended eff.
November 10, 2011; amended
eff. July 13, 2012; amended
eff. August 8, 2013; amended
effective April 4, 2014;
amended effective August 13,
2015; amended effective April
7, 2016; amended effective
July 18, 2016; amended
effective October 6, 2016;
amended effective February 2,
2017; amended effective April
4, 2017; amended effective
July 20, 2017; amended
effective February 8, 2018;
amended effective January 1,
2019.

For this purpose, the Clerk of Court shall utilize a computer generated random allotment system approved by the Orleans Parish Criminal District Court for all cases filed with the Clerk of the Orleans Parish Criminal District Court.

Appendix 14.0 Transfer Rules subsection 3 controls for purposes of reinstatement and transfer.

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

- (a) First degree murder;
- (b) Those necessarily punishable at hard labor;
- (c) Those not necessarily punishable at hard labor;
- (d) Those triable by the Court without a jury, and all appeals from Municipal and Traffic Court of New Orleans, writs, and fugitive cases; and
- (e) Civil forfeiture petitions under "Seizure and Controlled Dangerous Substance Property Forfeiture Act of 1989" which shall be entitled "In Rem Forfeiture Proceedings" and shall originate in the Magistrate Court. (In Rem Forfeiture petitions shall be randomly allotted to Sections A through L and the Magistrate for disposition.)

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

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

5. First, second and third class cases shall be randomly allotted among Sections A through L.

6. If a case is accepted in which a Canon 3 issue may affect all members of the Court, the case shall be brought to the attention of the Court En Banc.

7. Misdemeanor Case - Jury Trial

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

8. Misdemeanor Appeals

Appeals of misdemeanor convictions not appealable to the Supreme Court shall be randomly allotted among the four Appellate Divisions of this Court excluding the section from which the appeal originated.

9. Jail Based Offenses

If a bill of information/indictment is filed charging more than one jailed defendant with an offense that occurred while incarcerated, that case shall be randomly allotted under existing allotment rules.

The normal rules of transfer will not apply in these cases and no cases may transfer to follow this case regardless of class or age.

10. Felony Bail Jumping

If a bill of information/indictment is filed charging felony bail jumping alone, or with other charges, that case shall be randomly allotted under existing allotment rules.

The normal rules of transfer will not apply in these cases and no cases may transfer to follow this case regardless of class or age.

11. Multiple Offender

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

12. Reinstitution of Cases

Nolle prosecuted cases which are reinstated within the prescriptive period or reinstated cases where one or more defendants are added to the same class case, shall be given a new case number and allotted. It shall then be transferred to the Section to which the original case was allotted. However, if the reinstated case changes class, the case shall be assigned a new number and allotted as if a new case.

13. Wrongful Conviction Petitions

A wrongful conviction petition shall be issued a new case number by the Clerk's Office and shall be randomly allotted to one of the twelve sections of court and the Magistrate excluding the section of court where the original conviction was adjudicated.

14. Drug Court

Should a case be accepted for supervision by Drug Court, the case shall be allotted to the Drug Court section recommended by the Court.

15. Out-of-Parish Drug Court Participants

Drug cases from out of Orleans Parish shall be allotted as a fifth class case as an Out-of-Parish Drug Court case to one of the drug court sections as pre-determined by Court Intervention Services. The Clerk of Court shall assign a case number and the matter shall be properly docketed. Upon docketing, the Court shall assess the \$200 Drug Court fee. These cases shall not be entered into motions.

TRANSFERS

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

2. Multiple Cases Pending

When there are multiple cases pending against a defendant, they shall be transferred to one Judge for disposition. Cases shall be transferred to the Judge who has the oldest, highest class pending case whether the defendant is charged alone or with others. These rules will not apply for jail based and felony bail jumping offenses.

3. Case Considered Pending

A case shall be considered pending until a Nolle Prosequi, a dismissal, a plea of guilty, or nolo contendere is entered, or a verdict of guilty is returned after trial. When a case is pending and one or more defendants and/or one or more charges of the same classification is added, the case shall be assigned a new number and allotted. It shall then be transferred to the Section to which the original case was allotted. This rule shall apply even if the original case was nolle prosequied prior to the filing of the new bill of indictment or information. A case awaiting sentencing is not considered pending for the purposes of transfer rules.

4. Fugitive Cases

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

5. Transfer Effective Period

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

6. Recusal

When a court recuses itself, is recused from, or for some other reason a case is reallocated from the court receiving the case shall transfer to the initial transferring Court:

(a) The next allotted case that is similar to the case received in terms of class, counts, charge and number of defendants; or

(b) The next allotted case that is the same class but contains fewer counts or defendants; or

(c) An open case that is a lower class case but does not exceed the one received either in terms of counts or defendants.

Appendix 14.0B

Rule No: 14.0

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

Amended effective April 4, 2014; amended effective August 13, 2015; amended effective April 7, 2016.

APPELLATE DIVISION

1. This Court has appellate jurisdiction over misdemeanor convictions not appealable to the Supreme Court. For the expeditious hearing of these appeals, there shall be four Appellate Divisions in this Court, designated as First Appellate Division, Second Appellate Division, Third Appellate Division, and Fourth Appellate Division.
2. Criminal District Court's Appellate Division will randomly select annually, at its December En Banc, the judges for each appellate panel. The Judge of the Magistrate Section will be available to sit on any Appellate Division if there is a direct need by way of recusation of any Judge of any of the four Appellate Divisions.

APPELLATE DIVISION ALLOTMENT

3. Misdemeanor convictions appealed to an Appellate Division of the Criminal District Court shall be randomly allotted to one of the four appellate divisions. No appellate division shall be allotted an appeal from one of its member sections of court. If this should occur, the case shall be randomly reallocated to one of the three remaining appellate divisions.
4. Notice of an appeal taken from the New Orleans Municipal Court or New Orleans Traffic Court shall be filed with the Appellate Clerk in the Judicial Administrator's Office in the Criminal District Court. The appeal will be assigned a new case number and shall be randomly allotted to ONE JUDGE of the Criminal District Court. Once the case has been allotted, the Magistrate Clerk's Office shall forward the case record to the Appellate Clerk in the Judicial Administrator's Office.
5. Application for Writs. An application for writs of any kind taken from an adverse ruling at Municipal or Traffic Court, along with all documents and exhibits in connection therewith, shall be filed in an original and 3 duplicate copies with the Appellate Clerk in the Judicial Administrator's Office in the Criminal District Court. The Magistrate Clerk shall randomly allot the writ application to a THREE JUDGE PANEL (one of the four Appellate Divisions provided in A-1). The writ shall include the entire record along with all transcripts and briefs. An incomplete record shall not be allotted. Once the writ has been allotted, the Magistrate Clerk shall forward the original writ application and all copies to the Appellate Clerk in the Judicial Administrator's Office. The Appellate Clerk shall provide a copy of the writ and all attachments to each judge on the respective appellate division. The judge who has been given notice of intention shall immediately set a reasonable return date within which the application shall be filed with the Appellate Division. When the judge orders the ruling to be reduced to writing, the return date shall not exceed 30 days from the date the ruling is signed. In all cases, the judge shall set an explicit return date; the appellate division will not infer a return date from the record. If a writ should be converted to an appeal, it shall then be assigned to the original section of court that it was originally allotted to when the writ was filed.

APPELLATE DIVISION PROCEDURES

6. Stay of Proceedings. When an application for writs is sought, further proceedings may be stayed at the discretion of the Municipal or Traffic Court judge. Any request for a stay of proceedings should be presented first to the Municipal or Traffic Court. The filing of, or the granting of, a writ application does not stay further proceedings unless the Municipal or Traffic Court judge, or the Appellate Division, expressly orders otherwise.
7. Expedited Consideration. When expedited consideration by an appellate division is requested, including, but not limited to, a request for a stay order, the application shall include on the cover a statement in bold print that such consideration is sought and a statement within the application itself, entitled "REQUEST FOR EXPEDITED CONSIDERATION", setting

forth justification for the request and a specific time within which action by the appellate division is sought by the applicant. The “REQUEST FOR EXPEDITED CONSIDERATION” shall be included as a separate page and properly noted in the index. The applicant shall notify the appellate division immediately of any change in the status of the case.

In all applications requesting a stay order or other priority consideration, the applicant must certify in affidavit form that the trial court and all counsel and unrepresented parties have been notified by telephonic or other equally prompt means of communication that said writ application has been or is about to be filed and that said application has been served forthwith on the trial court and all parties at interest or their counsel, by means equal to the means used to effect filing with the appellate court. (That is, if filing with the appellate division is by overnight mail, the same means shall be employed for service on the lower court and all parties at interest or their counsel. If filing is by hand to the appellate division, service must be made on the lower court and all parties at interest or their counsel by an equally prompt means.) On a writ application, the moving party shall file all necessary and applicable pleadings and documents with the writ application that petitioner wishes the court to consider. Record may be supplemented, with transcript, at a later date with permission of or by order of the Court.

8. The Appellate Division will meet in the courtroom of the most Senior Judge on each Appellate Division.

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

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

11. Any appeal may be transferred, with good cause shown by moving party, from one Appellate Division to the other on the written motion of the State or the Appellant, provided that at least two (2) of the Judges of the Appellate Division to which the appeal is to be transferred consent to the transfer.

12. When multiple cases of the same issue are pending on appeal in the same appellate division, for judicial efficiency those matters may be consolidated by order of that appellate division.

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

14. The verbatim transcript of oral testimony of the witnesses in the order in which it is taken shall be included in the record. The transcript of testimony shall indicate the party in whose behalf each witness was called (whether on direct, on cross-examination, or in rebuttal), and by whom examined or cross-examined. The record must also contain all or any portion of the following designated by the defendant, the state, or the trial judge: preliminary hearing; statements, rulings and orders by the trial court; objections, questions, statements and arguments of counsel. The Appellate Clerk of the Criminal District Court shall notify counsel of the briefing schedule by way of U.S. mail. The brief of the appellant shall be filed fourteen calendar days after receipt of the Appellate Clerk’s notification of the record being lodged. The brief of the appellee shall be filed twenty-one calendar days after receipt of appellant’s brief. Each party

shall file an original and four (4) copies of the brief in every case. If either counsel fails to file their brief within the specified time, counsel's right to oral argument shall be forfeited. The reply brief, if any, of the appellant shall be filed not later than 10 calendar days after the appellee's brief is filed.

15. Briefing Schedule. The Appellate Clerk of the Criminal District Court shall notify counsel of the briefing schedule by way of U.S. mail. The brief of the appellant shall be filed fourteen calendar days after receipt of the Appellate Clerk's notification of the record being lodged. The brief of the appellee shall be filed twenty-one calendar days after receipt of appellant's brief. Each party shall file an original and four (4) copies of the brief in every case. If either counsel fails to file their brief within the specified time, counsel's right to oral argument shall be forfeited. The reply brief, if any, of the appellant shall be filed not later than 10 calendar days after the appellee's brief is filed.

16. Format of Brief and Other Pleadings. All briefs and other motions or pleadings (e.g., answers to appeals) filed originally with the appellate division shall be typewritten and double-spaced on white paper of legal size, with proper margins, and shall bear the number and title of the case in the appellate court, the nature of the motion or pleading, the name of counsel filing the motion or pleading, and the name of the party on whose behalf it is filed. The motion or pleading shall bear a certificate showing that a legible copy thereof has been delivered or mailed to opposing counsel of record, and to each opposing party not represented by counsel, and showing the date of service thereof. All motions filed with the Appellate Division shall include a proposed order. An original and 4 copies of each motion or brief shall be filed for the Appellate Clerk to present to the court for consideration.

17. Request for Oral Argument. Appeals in all cases shall be submitted for decision without oral argument unless a written request for permission to orally argue is filed in the appellate clerk's office by a party within thirty (30) days after the filing of the record with the Appellate Clerk. Pursuant to this rule, the request for oral argument must be in the form of a motion or a letter. A request made within a party's brief will NOT suffice. A request for oral argument by only one of the parties is acceptable. Ordinarily, timely requests for oral argument will be granted, except in cases assigned for summary disposition. When permission for oral argument has been granted to one party, the right to oral argument extends to all parties, unless the right to orally argue has been forfeited. The court shall retain its authority to order oral argument in any case.

18. Extensions of Time. An extension of time within which to file the brief may be granted by the court for good cause shown on written motion filed with the Appellate Clerk on or before the date the brief was due. If an extension of time is granted to an appellant to file the original brief, time for filing the appellee's brief is extended for a period of twenty days from the date of the extended time granted the appellant, without the necessity of a motion or request by the appellee. To preserve the right to oral argument, an appellee must file the brief within the extended twenty-day period, whether or not the appellant's brief is timely filed. An extension of time may not be granted if such extension will retard the hearing or determination of the case.

19. Summary Disposition. Any case may be assigned for summary disposition with or without oral argument when the appellate division so orders. Any case may be submitted at any time for decision without oral argument, on joint motion of all parties or counsel of record.

20. Oral Argument. Oral arguments shall convene in the courtroom of the senior judge of the Appellate Division. The court reporter of the senior judge of the appellate division shall record all portions of the oral argument as required by law or the court and shall, when required by law or the court, transcribe those portions of the proceedings. A case assigned for oral argument, in which the argument is not held or completed on the assigned day, shall be reassigned by the court to a particular date. No case fixed for argument or submission on the calendar may be continued, except in extraordinary situations which the court deems to justify the continuance.

21. Judgments. The judgment of the appellate division shall be drafted by the senior judge of the appellate division within 30 days from the date oral argument is held or 60 days after briefs are filed if the matter is submitted without oral argument, or summarily. If a written judgment has not been rendered by the appellate division within the aforesaid timeframe, the party may file with the Appellate Clerk a written request for consideration from the en banc.

The original draft of the signed judgment shall be submitted to the Appellate Clerk for dissemination. The Appellate Clerk shall make certified copies of the judgment and transmit one copy of the opinion to the Clerk of the Criminal District Court, all appellate counsel, and all parties not represented by counsel. The Appellate Clerk shall place the original judgment in the court record and return the court record to the Clerk of Court's Office. The minute clerk of the senior judge shall prepare the minute entry on the date the judgment is signed by all judges of the panel.

22. Application for Rehearing. An application for rehearing shall state with particularity contentions of the applicant and shall contain a concise argument in support of the application. Except by permission of court, an application for rehearing shall not exceed 10 pages. An original and 4 copies of the application for rehearing shall be filed. Oral argument in support of the application will not be permitted. An application for rehearing must be filed with the Appellate Clerk on or before 14 days after the receipt of the judgment by U.S. mail.

23. Action on Writ Application. In exercise of its supervisory jurisdiction, the appellate division may act peremptorily on the application, if circumstances warrant such action, with or without a response by the opposing party. The court alternatively may order a response by the opposing party and/or a per curiam by the court from which the writ has been taken, or the appellate division may assign the case for argument and/or submission on any day that the appellate division shall select.

Appellate Procedures may be found on the Court's website, www.criminalcourt.org.

Appendix 14.1

Rule No: 14.1

See Appendix 14.0A.

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 15.0

BAIL

Rule No: 15.0

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

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 prosequed/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").

Appendix 15.1

Rule No: 15.1

Appointment of Counsel

Amended effective August 13, 2015.

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

Appendix 15.2

Rule No: 15.2

Alternative Method of Service on District Attorney

Amended effective August 13, 2015.

A defendant's appearance at the following proceedings may, at the discretion of the judge, be made by simultaneous transmission through audio-visual electronic equipment:

Appendix 15.3

Rule No: 15.3

Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission

Effective January 1, 2016.

1. Seventy-two hour hearing;
2. Initial setting of bond;
3. Any pretrial Motion;
4. Any hearing on Pretrial Motion;
5. Arraignment;
6. Any post-conviction proceeding; and
7. Any other proceeding where specifically allowed by the Code of Criminal Code Procedure relative to simultaneous Audio/Visual Transmission.

Chapter: 18

Chapter Title: Arraignment and Pleas

Appendix 18.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

Rule No: 18.0

Waiver of Formal Arraignment

Chapter: 19

Chapter Title: Simultaneous Peremptory Challenges

Appendix 19.0

JURY TRIAL PROCEDURES

Rule No: 19.0

Simultaneous Peremptory
Challenges

Amended effective August 13,
2015.

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

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

3. The simultaneous acceptance or peremptory challenge of each juror shall be accomplished by the designation of the State and the defendant.

4. Once both the State and the defendant accept an adequate number of jurors, the jury shall be sworn as a whole, and the remaining members of the venire shall be dismissed from that section of court and returned to the jury lounge.
