

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

EN BANC ORDER

IT IS HEREBY ORDERED that the following amendment to Rule 14, as shown in Appendix 14.0A, entitled System of Random Allotment of Criminal Cases (Other than Traffic, Wildlife, and Appeals from Lower courts), attached hereto, be made effective immediately. The specific amendments to these rules are shown on the attachment with coding (new language is underlined and deleted language is over struck) and are also included in final form.

The amendment to Appendix 14.0A of Rule 14 is hereby entitled "Misdemeanors following Misdemeanors" and is intended to allow consolidation of misdemeanor cases for a single defendant in one section of court, such that the Court handling the first misdemeanor will handle all subsequent misdemeanors involving the same defendant as long as the first misdemeanor is pending in that same section of court.

IT IS HEREBY FURTHER ORDERED that the following amendment to Rule 14, as shown in Appendix 14.1B, also be made effective immediately.

The amendment to Appendix 14.1B is hereby entitled "Allotment-Defendant with More Than One Felony Case." The language, as it presently exists in 14B is hereby stricken, in that the language has been moved to amendment 14.0A, as described below.

Nothing herein shall be construed to violate the integrity of random allotment of cases as required by law.

THUS DONE AND SIGNED this ____ day of _____ 2011 at Baton Rouge, Louisiana.

ANTHONY J. MARABELLA, JR.

JANICE CLARK

MIKE ERWIN

KAY BATES

BONNIE JACKSON

WILLIAM A. MORVANT

RICHARD "CHIP" MOORE

DONALD JOHNSON

RICHARD D. ANDERSON

TODD W. HERNANDEZ

LOUIS R. DANIEL

R. MICHAEL CALDWELL

WILSON FIELDS

TIMOTHY E. KELLEY

TRUDY M. WHITE

Appendix 14.0A

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

19th Judicial District Court East Baton Rouge Parish

Felonies and Misdemeanors Not Involving Traffic or City Appeals

A. Other Than City Court Appeals and Title 32 & 47 Traffic Cases:

Except as stated in sections B – ~~EF~~ below, all felonies and misdemeanors shall be assigned to the section of court on duty at the time the offense was committed. If the date of the offense is not determinable, a judge shall notify the Clerk of Court, in writing to randomly allot, the case to a criminal section of court (which may be accomplished by filing with the Clerk of Court a copy of the bond order signed by the duty judge, with the affidavit of probable cause attached and notice to the Clerk initialed or signed by the duty judge to randomly allot the matter.)

If a specific date is later determined to exist, any party may file a motion to transfer the case to the section of court on duty on the determined date. (For the purpose of these appendices, the word “duty judge” also includes judicial commissioners, when assigned duty for a criminal section of court.)

B. Misdemeanors: If a defendant has a felony case pending, all subsequent misdemeanor arrests for that defendant (and any co-defendant) shall be allotted to the section of court to which the pending felony was allotted. If a defendant has only a misdemeanor case(s) pending and previously allotted, any new misdemeanor arrest or summons for that defendant shall be allotted to the division to which the pending misdemeanor was allotted. This misdemeanors-following-misdemeanors rule also applies to any pending misdemeanor for a co-defendant with a new arrest or summons and billed as a co-defendant.

~~B.C.~~ All other offenses, not provided for herein, shall be randomly allotted to a criminal section of court simultaneously with the filing of formal charges by the District Attorney or upon written motion filed by counsel for the accused, whichever occurs first. Civil asset forfeitures shall be assigned to the same criminal section of court as is assigned the related criminal case.

~~C.D.~~ If there are multiple dates of one or more offenses that culminate in a single arrest, such that a single date of offense is not applicable or is undeterminable, the case will be allotted to the criminal section on duty as of the date of the first or earliest offense noted in the warrant or affidavit of probable cause. If the District Attorney fails to charge that initial offense (date), the case will remain in the section it was previously allotted to, unless Rule 14.3 of the Uniform Rules is applicable.

~~D.E.~~ For Multiple Felonies – Defendant with more than one felony case (See Uniform Rule 14.1 and appendix 14.1 herein).

~~E.F.~~ For Title 32 and 47 Traffic cases and City Court Appeal (See Appendix 14.0B herein).

DRUG COURT

By majority vote, the Court authorized the establishment of a “Drug Court” on January 1, 1993.

Effective April 30, 2004, the Drug Court is hereby redesignated as a treatment court only, and is hereby designated as a drug division as defined and provided for Chapter 33 of Title 13. (R.S. 13:5303 et seq.) The treatment court shall be presided over by a judge so appointed by the judges en banc, with the appointed judge’s approval and in addition to his regularly allotted docket. The previously authorized rapid prosecution drug court is dissolved effective April 30, 2004; Section 6 of the criminal sections of court shall

resume participation in ordinary criminal duty rotation as of that date; and all felony drug cases, the date of offense for which occurred prior to or on April 30, 2004, shall be allotted to Section 6.

Appendix 14.1

Title: Allotment – Defendant with More Than One Felony Case

19th Judicial District Court East Baton Rouge Parish

~~A. Multiple Homicides and Rapes: Homicides and rapes are allotted to the section of criminal court on duty at the time of the offense. However, homicides and rapes do not follow the prior-pending-felony rule of 14.1. When multiple homicides or rapes are joined for trial in a single indictment, the case will be allotted to the section of court on duty on the date of the earliest offense. Should an offense be severed from the original indictment for trial, the case severed shall be allotted to the section of the court on duty when the severed offense occurred.~~

~~B. Misdemeanors: If a defendant has a felony case pending, all subsequent misdemeanor arrests for that defendant (and any co-defendant) shall be allotted to the section of court to which the pending felony was allotted.~~