

FIFTEENTH JUDICIAL DISTRICT COURT

LAFAYETTE PARISH, LOUISIANA

ORDER AMENDING LOCAL RULES OF COURT

IT IS ORDERED that Local Rule 14.0 of Chapter 14 of Title III and contained in Appendix 11 of the Louisiana Rules of Court entitled “**Allotment of Cases**” with an effective date of 1/1/10 which read:

Appendix 14.0A

Rule No: 14.0

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

ALLOTMENT OF CAPITAL CASES

A. Capital cases are randomly allotted among Divisions A, B, C, D, E, F, G, I, J, K and L (Divisions H and M which handle the domestic docket only are excluded), using the following method:

Each of the 11 divisions begins with 3 ping pong balls, for a total of 33. As a capital case is allotted to a Division, that ping pong ball is removed. After a capital case is resolved or if it is reduced to a non capital offense, a ping pong ball for the division to which that case was allotted is replaced. The Clerk shall keep the bin containing the active ping pong balls and the box containing the removed ping pong balls under lock and key and shall not divulge the contents of either except upon Court order.

B. Whenever a capital case or cases are allotted, and subsequent thereto are dismissed by the state, and the same defendant is re-indicted under substantially the same operative facts, then the allotment of that case will remain with the judge the case was originally allotted to.

C. Whenever one defendant is charged with two or more capital cases arising out of facts that they could have been joined in a single indictment, and the state dismisses the indictments, then subsequently re-indicts the defendant in a single indictment, then the allotment of that case will remain with the judge the original case was allotted to.

D. When multiple defendants are tried together, the first docket case shall determine which divisions shall handle the trial and pretrial motions. If severed, all cases shall be randomly reallocated.

E. Once a capital case has been set for trial, if the state chooses to amend the charge to a lesser offense, the trial date shall not be set aside solely by reason of the amendment.

ALLOTMENT NON-CAPITAL CRIMINAL CASES

LAFAYETTE PARISH

All Lafayette Parish juvenile matters (including Child in Need of Care cases) will be allotted to two judges. These sections shall be known as Juvenile I and Juvenile 2. When a petition is filed (or in the case of a juvenile held in continued custody pending a delinquency hearing, at the 72 hour hearing) the case shall be randomly allotted by the clerk of court. In Child in Need of Care cases, once a case has been allotted to a judge, all cases pertaining to that family shall remain with that judge unless the earlier case has already been closed by termination of parental rights.

In delinquency matters, once a case has been allotted to a judge, all cases pertaining to that juvenile shall remain with that judge. If multiple juveniles are involved in an offense, all involved juveniles shall be allotted to the same judge for the disposition of the charges arising out of that offense. If a matter must be heard on an expedited basis

(72 hour hearings) and the allotted judge is not available, the other Lafayette juvenile judge or the Lafayette duty judge will handle those matters.

All adult felony criminal cases in Lafayette Parish shall continue to be allotted to Tracks 1, 2, 3, therefore be allotted the cases in that track. All cases in which the offender is charged with Issuing Worthless checks shall be allotted to Track 5 which shall be consolidated with Track 4 and allotted to that Track. Felony drug cases will continue to be allotted to Track 1 or 3. All felony drug offenses committed on the 1st through the 10th of the month are allotted to Track 3. All drug offenses committed on the 11th of the month through the last day of the month are allotted to Track 1. Track 1 shall be allotted drug cases only. However, if an incident results in a drug offense, along with other felony offenses, those non-drug felonies alleged to have been committed at the same time and as part of the same incident will follow the felony drug case and are allotted in the drug rotation to Track 1 or Track 3, as set forth above. The allotment of non-drug, non-IWC felonies will continue to be based upon date of offense, with a rotation which runs on a Sunday through Saturday schedule. Under the current system, which will continue, beginning with January 3, 2010, the rotation is as follows:

January 3- January 9, 2010- Track 3
January 10-January 16, 2010-Track 4
January 17-January 23, 2010- Track 2

The allotment system will continue utilizing this three week rotation. If a Defendant is simultaneously charged with multiple offenses committed over the course of more than one date, the date of commission of the earliest offense shall govern the allotment. If a Defendant has a pending case in a track and commits a new offense resulting in new charges, those new charges, whether felony or misdemeanor, may, at the request of the State, be transferred to the felony track where charges are already pending. All Traffic/Wildlife & Fisheries/Misdemeanor cases in Lafayette Parish are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor Docket. The six judges sitting in Lafayette Tracks 1, 2, 3 & 4 and Juvenile 1 and Juvenile 2 will have an extra week of criminal every other year, during which week they shall preside over this docket. The judges assigned to Acadia tracks A-1, A-2 and A-3 shall each preside over 2 weeks of this docket each year. The judges assigned to Vermilion tracks V-1 and V-2 shall preside over one week of this docket every other year.

All adult cases on the Therapeutic Drug Track are allotted to Division D; all juvenile drug cases are allotted to Division 1.

THERAPEUTIC DRUG COURT

Pursuant to the authority provided by Articles 893 and 894 of the Code of Criminal Procedure and LSA R.S. 13:5301 et seq., Division D of the 15th Judicial District Court is authorized to administer a Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention Through Sanctions and Treatment (FIST). This is a post conviction program and its mission is to get the offender sober, employable, and employed by reducing abuse of alcohol and other mind altering chemicals, thus decreasing related criminal activity.

VERMILION PARISH

All adult felony criminal cases in Vermilion Parish shall be randomly allotted to Tracks V-1 or V- 2. Cases shall be randomly allotted based upon date of offense. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges, whether felony or misdemeanor, may, at the request of the State, be transferred to the track where charges are already pending. The judges assigned to Tracks V-1 and V-2 will also preside over all misdemeanor and juvenile matters in Vermilion parish.

ACADIA PARISH

All adult felony criminal cases in Acadia Parish shall be randomly allotted to Tracks A-1, A-2 or A-3, using the clerk of court's random allotment software. Cases shall be randomly allotted at the time of filing of the bill of information. A single judge shall be assigned to each track and and commits a new offense, resulting in new charges, those new charges may, whether felony or misdemeanor, at the request of the State, be transferred to the track where charges are already pending. The judges assigned to Tracks A-1, A-2 and A-3 will also preside over all misdemeanor and juvenile matters in Acadia parish.

For the Court terms of January, 2010 through December, 2011, the assignment of divisions of court to preside over each track shall be as follows:

Divisions A, F, and J shall be assigned to Tracks A-1, A-2 and A-3, respectively. Divisions C and G shall be assigned to Tracks V -1 and V -2, respectively. Lafayette Tracks Juvenile 1, Juvenile 2, Track 1, Track 2, Track 3 and Track 4 shall be assigned to Divisions B, D, E, I, K or L via random drawing. The assignment of the three Lafayette divisions which will handle misdemeanor cases in a given year shall initially be by random drawing. Thereafter, the assignment of a Lafayette division to a misdemeanor week will fall every other year.

For the Court term beginning January, 2012, and every year thereafter, there will be a random reassignment of all divisions listed in this Section entitled "Allotment Non-Capital Criminal Cases."

HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction shall be heard by the judge presiding in the division of the Court in which the conviction was obtained. All criminal habeas corpus petitions filed on behalf of a defendant who is not being detained by virtue of a conviction shall be heard by the judge to whom the case is allotted or would be allotted by virtue of the above rules.

be and is hereby amended effective 6/1/11 to read as follows:

Appendix 14.0A

Rule No: 14.0

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

ALLOTMENT OF CAPITAL CASES

A. Capital cases are randomly allotted among Divisions A, B, C, D, E, F, G, I, J, K and L (Divisions H and M which handle the domestic docket only are excluded), using the following method:

Each of the 11 divisions begins with 3 ping pong balls, for a total of 33. As a capital case is allotted to a Division, that ping pong ball is removed. After a capital case is resolved or if it is reduced to a non capital offense, a ping pong ball for the division to which that case was allotted is replaced. The Clerk shall keep the bin containing the active ping pong balls and the box containing the removed ping pong balls under lock and key and shall not divulge the contents of either except upon Court order.

B. Whenever a capital case or cases are allotted, and subsequent thereto are dismissed by the state, and the same defendant is re-indicted under substantially the same operative facts, then the allotment of that case will remain with the judge the case was originally allotted to.

C. Whenever one defendant is charged with two or more capital cases arising out of facts that they could have been joined in a single indictment, and the state dismisses the indictments, then subsequently re-indicts the defendant in a single indictment, then the allotment of that case will remain with the judge the original case was allotted to.

D. When multiple defendants are tried together, the first docket case shall determine which divisions shall handle the trial and pretrial motions. If severed, all cases shall be randomly reallocated.

E. Once a capital case has been set for trial, if the state chooses to amend the charge to a lesser offense, the trial date shall not be set aside solely by reason of the amendment.

ALLOTMENT NON-CAPITAL CRIMINAL CASES

LAFAYETTE PARISH

All Lafayette Parish juvenile matters (including Child in Need of Care cases) will be allotted to two judges. These sections shall be known as Juvenile 1 and Juvenile 2. When a petition is filed (or in the case of a juvenile held in continued custody pending a delinquency hearing, at the 72 hour hearing) the case shall be randomly allotted by the

Clerk of Court. In Child in Need of Care cases, once a case has been allotted to a judge, all cases pertaining to that family shall remain with that judge unless the earlier case has already been closed by termination of parental rights. In delinquency matters, once a case has been allotted to a judge, all cases pertaining to that juvenile shall remain with that judge. If multiple juveniles are involved in an offense, all involved juveniles shall be allotted to the same judge for the disposition of the charges arising out of that offense. If a matter must be heard on an expedited basis (72 hour hearings) and the allotted judge is not available, the other Lafayette juvenile judge or the Lafayette duty judge will handle those matters.

All adult felony criminal cases in Lafayette Parish shall be allotted to Tracks 1, 2, 3, 4, and 5. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. All cases in which the offender is charged with Issuing Worthless checks shall be allotted to Track 4. All pending IWC cases will be moved to Track 4, effective June 1, 2011. Felony drug cases will be allotted to Track One. However, if an incident results in a drug offense, along with other felony offenses, those non-drug felonies alleged to have been committed at the same time and as part of the same incident will follow the felony drug case and are allotted to Track 1. The allotment of non-drug, non-IWC felonies will be based upon date of offense, with a rotation which runs on a Sunday through Saturday schedule. Under the current system, which will continue, and will add Track 5 beginning with JUNE 1, 2011,, the rotation FOR NON-DRUG FELONIES WILL BE as follows:

May 29 - June 4 – Track 4
June 5 - June 11 – Track 5
June 12 - June 18 – Track 2
June 19 - June 25 – Track 3
June 26 - July 2 – Track 4
And so on in rotation.

The allotment system will continue utilizing this four week rotation. For cases allotted to Track 5 between August 14, 2011 and December 31, 2011, each will be assigned randomly to Track 2 or 4 as a secondary Track. Each will be given a pretrial date in that secondary Track and a Trial date in Track 5. The secondary track will have full authority to act in those cases until January 1, 2012. BEGINNING JUNE 1, 2011, ALL DRUG CASES, REGARDLESS OF DATE OF COMMISSION, WILL BE ALLOTTED TO TRACK 1. All pending drug cases allotted to Track 3 prior to June 1, 2011, will remain in Track 3 through resolution.

If a Defendant is simultaneously charged with multiple offenses committed over the course of more than one date, the date of commission of the earliest offense shall govern the allotment. If a Defendant has a pending case in a track and commits a new offense resulting in new charges, those new charges, whether felony or misdemeanor, shall be transferred to the felony track where charges are already pending.

All Traffic/Wildlife & Fisheries/Misdemeanor cases in Lafayette Parish are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor Docket. The judge sitting in Lafayette Track 1 shall have 10 weeks of felony and 2 weeks of misdemeanor each year. The judges sitting in Lafayette Tracks 2, 3, 4 and 5 shall have 11 weeks of felony and 1 week of misdemeanor each year. Tracks 2, 3, 4 and 5 and Juvenile 1 and Juvenile 2 will also have an extra week of criminal every other year, during which week they shall preside over Lafayette misdemeanor cases. The judges assigned to Acadia tracks A-2 and A-3 shall preside over one week of Lafayette misdemeanor cases every other year. The judges assigned to Vermilion tracks V-1 and V-2 shall preside over one week of Lafayette misdemeanor cases every other year.

THERAPEUTIC DRUG COURT

All adult cases on the Therapeutic Drug Track are allotted to Division B; all juvenile drug cases are allotted to Division I.

Pursuant to the authority provided by Articles 893 and 894 of the Code of Criminal Procedure and LSA R.S. 13:5301 et seq., Division B of the 15th Judicial District Court is

authorized to administer an Adult Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention through Sanctions and Treatment (F.I.S.T.).

VERMILION PARISH

All adult felony criminal cases in Vermilion Parish shall be randomly allotted to Tracks V-1 or V- 2. Cases shall be randomly allotted based upon date of offense. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges shall be transferred to the track where charges are already pending. The judges assigned to Tracks V-1 and V-2 will also preside over all misdemeanor and juvenile matters in Vermilion parish.

ACADIA PARISH

All adult felony criminal cases in Acadia Parish shall be randomly allotted to Tracks A-2 or A-3, using the clerk of court's random allotment software. Cases shall be randomly allotted at the time of filing of the bill of information. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. Cases still pending in Track A-1 as of December 31, 2011 shall be randomly allotted to Track A-2 or A-3. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges shall be transferred to the track where charges are already pending. The judges assigned to Tracks A-2 and A-3 will also preside over all misdemeanor and juvenile matters in Acadia parish.

BACK UP JUDGES IN ALL PARISHES (Effective 1/1/2012)

In Lafayette Parish, all cases assigned to Track 3 shall be secondarily assigned to Track 5 and vice versa, for purposes of assistance with the trial docket. All cases assigned to Track 4 shall be secondarily assigned to Track 2 and vice versa, for purposes of assistance with the trial docket. In Vermilion Parish, all cases assigned to Track V-1 shall be secondarily assigned to Track V-2 and vice versa, for purposes of assistance with the trial docket. In Acadia Parish, all cases assigned to Track A-2 shall be secondarily assigned to Track A-3 and vice versa, for purposes of assistance with the trial docket. When multiple cases are ready for trial on a trial docket, the judge of the track secondarily assigned to that docket may preside over the jury trial of any cases remaining on the docket after the primary judge has commenced jury selection/trial of the first priority case. In such case, the secondarily assigned judge shall not reconsider any pretrial ruling previously rendered by the primary judge.

RECUSAL

If a motion to recuse, containing a valid ground for recusation, is filed in a criminal proceeding, and if the judge does not recuse himself or herself, then the recusal hearing shall be randomly allotted to one of the remaining 12 judges, including the Family Court judges. If a motion to recuse is granted pursuant to the Code of Criminal Procedure, then the case shall be randomly reallocated to another criminal track within the same parish in which the case is pending.

HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction shall be heard by the judge presiding in the division of the Court in which the conviction was obtained. All criminal habeas corpus petitions filed on behalf of a defendant who is not being detained by virtue of a conviction shall be heard by the judge to whom the case is allotted or would be allotted by virtue of the above rules.

IT IS ORDERED that Local Rule 15.0 of Chapter 15 of Title III and contained in Appendix 15 of the Louisiana Rules of Court entitled “**Assignment of Cases and Preliminary Motions**” with an effective date of 1/1/10 which read:

Rule No: 15.0

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

Appendix

Chapter: 15

FIXING AND TRIAL OF CRIMINAL CASES IN LAFAYETTE PARISH ONLY

The defendant should be notified of the trial date and a pre-trial (plea) day at the arraignment. A defendant who is incarcerated on the date of arraignment shall be assigned the earliest available pre-trial and trial date for the track to which his case is allotted, regardless of the number of cases already fixed. Except upon special order of the Court, no defendant who has appeared on a 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 thereafter send a copy of the docketed cases to the District Attorney or his assistant, who will promptly prioritize the cases in accordance with State v. Simpson.

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

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

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

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

Witnesses are to be subpoenaed the same day.

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

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

DISCOVERY

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

All counsel shall dispose of all pending pre-trial motions, not requiring evidence or argument, at the time of the pre-trial. Counsel urging a pre-trial motion requiring evidence or argument should notify opposing counsel, at least 10 days prior to the pre-trial, that a specified pre-trial motion will require an evidentiary hearing or argument,

so as to facilitate the attendance of witnesses and to allow for proper preparation and disposition of such pre-trial motion at the pretrial.

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

A defendant's appearance at the following pre-trial matters may be by simultaneous transmission through audio-visual electronic equipment:

- (1) Seventy-two hour hearing
- (2) Initial setting of bail
- (3) Any pre-trial motion
- (4) Any hearing on pre-trial motion
- (5) Arraignment
- (6) Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous audio-visual transmission.

be and is hereby amended effective 6/1/11 to read as follows:

APPENDIX 15.0

Rule 15.0

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 pretrial 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 pretrial.

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

A defendant's appearance at the following pre-trial matters may be by simultaneous transmission through audio-visual electronic equipment:

- (1) Seventy-two hour hearing
- (2) Initial setting of bail
- (3) Any pre-trial motion
- (4) Any hearing on pre-trial motion
- (5) Arraignment
- (6) Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous audio-visual transmission.

IT IS FURTHER ORDERED that these amendments adopted on 2/8/11 and 3/15/11 shall take effect June 1, 2011, and the amendment adopted on 4/12/11 shall take effect on 1/1/12.

THUS DONE AND SIGNED on this _____ day of November, 2011.

Judge David Blanchet, Chief Judge