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CHAPTER 14

CASE MANAGEMENT AND PRELIMINARY MOTIONS

Rule 14.0 Case Management

- a.) Traffic Ticket Payment Prior to Court Date: Some traffic matters may be court mandatory and cannot be addressed prior to court with the Clerk of Court. If the traffic matter is not court mandatory, the defendant or attorney of record can contact the Clerk of Court and address the matter prior to court. Defendants can also finalize their case online at citycourtofzachary.org
- b.) Traffic Rules at Arraignment: The defendant or attorney of record will plead guilty, not guilty or nolo contendere on the arraignment date. If the defendant pleads guilty or nolo contendere, they will receive a court date to pay all fines and fees. If all fines and fees are paid **BEFORE** the court date, the case will be closed, and the defendant does not need to appear in Court. If the defendant pleads not guilty, the matter will be placed on the trial docket approximately two months from the arraignment date at 1:30pm.
- c.) LA C.Cr.P.Art 892.1 Eligibility: All moving violations (excluding some court mandatory violations and/or violations with an accident) may be eligible to keep the violation off your driving record if the following conditions are met:
- Participate in a driver improvement program
 - Valid LA Driver's license (cannot be suspended or expired)
 - No 892.1 in two years prior to the date of the alleged offense
 - If speeding, 24 mph over the limit or less
- d.) Criminal Rules at Arraignment: The defendant or attorney of record will plead guilty, not guilty or nolo contendere on the arraignment date. If the defendant pleads guilty or nolo contendere they may be placed on probation and required to meet with the probation officer. If the defendant pleads not guilty, the matter will be set for a status conference in approximately two months. Self-represented defendants and attorneys may request discovery from the City Prosecutor without filing formal discovery requests by filling out the following form at citycourtofzachary.org and delivering it to the prosecutor's office via email at prosecutor@cityofzachary.org fax at 225-654-6569 or hand delivery. All discovery should be completed prior to the status conference. If the not guilty plea is maintained at the status conference, the matter will be set for trial in approximately two months.
- e.) Subpoenas: A request for issuance of a subpoena shall be filed with the Clerk of Court at least fifteen days before the desired appearance date, unless a different deadline is set by the court in the pre-trial or other order. The Subpoena Request form can be found at citycourtofzachary.org

Rule 14.1 Appointment of Counsel

The office of the Public Defender will be present in Court to speak with criminal defendants who are not represented by private counsel. If the Criminal Defendant requests the Office of the Public Defender to represent them after arraignment, they must contact the [Office of Public Defender](#). The Office of the Public Defender will be present during jail call.

Rule 14.2 Filing and Service of Motions

All motions, ex parte or otherwise, shall be filed with the clerk of court and served on all opposing parties, except as otherwise provided by law. Service on the City Prosecutor shall be accomplished by hand delivery or by mailing a copy to the City Prosecutor.

An indigent defendant may file ex parte motions allowed by law. Notice shall be provided to the City Prosecutor. The City Prosecutor may file an opposition to the hearing being held ex parte or to the substance of the motion.

CHAPTER 15 RECORDING OF PROCEEDINGS

Rule 15.0 Record of Proceedings

The court shall provide a method for making a verbatim record of all proceedings in open court.

Rule 15.1 Court Reporter

A court reporter shall be present for all misdemeanor trials and motions.

CHAPTER 16 COUNSEL OF RECORD

Rule 16.0 Enrollment as Counsel

Attorneys may file a typed Motion to Enroll with the Clerk of Court in person, via mail, facsimile, or enroll orally in open court. Once enrolled, the attorney of record may sign notice for future court appearances on behalf of the defendant.

Rule 16.1 Pleas in Absentia

- a.) If the defendant is charged with a traffic offense, and/or a contempt of court for failure to appear, the attorney of record may enter a plea of guilty without the defendant being present.
 - 1. For a payable traffic offense, the plea can be taken by the Clerk of Court at the payment window.
 - 2. For a non-payable traffic offense (mandatory appearance), the plea will be made in open court.
- b.) If the defendant is charged with a non-enhanceable misdemeanor, the attorney of record may enter a plea of guilty without the defendant being present if the defendant signs an affidavit giving his/her consent to the plea. The affidavit will at minimum

contain the following:

1. Proper case heading.
 2. The attorney(s)/Law firm authorized to enter the plea on behalf of the defendant.
 3. The original charge.
 4. The charge for which a plea will be entered.
 5. A statement waiving sentencing delays.
 6. Date and signature of defendant.
- c.) Attorneys are not allowed to enter a plea on behalf of a defendant for an enhanceable misdemeanor offense.

Rule 16.2 Plea Through Audio-Visual Electronic Transmission

- a.) Under extraordinary circumstances, the court may allow the defendant to appear by way of simultaneous transmission through audio-visual electronic equipment per LA CCRP Art. 551.
- b.) The court will allow incarcerated defendants to enter a plea by way of simultaneous transmission through audio-visual electronic equipment per LA CRP Art 562.

Rule 16.3 Withdrawal of Counsel

All motions by defense counsel to be relieved as counsel of record shall be heard contradictorily with the accused and the City Prosecutor present. Ex parte motions to withdraw shall only be heard for good cause shown.

CHAPTER 17 POST-CONVICTION RELIEF PROCEEDINGS

Rule 17.0 Clerk Shall Give Notice to City Prosecutor of Post-Conviction Relief Proceedings

On an application for post-conviction relief, the clerk shall give notice to all parties upon the entry of an order, ruling, or judgment. The clerk shall also give notice to the City Prosecutor of any order to respond to a defendant's application for post-conviction relief, and of any ruling rendered after any motion has been taken under advisement by the court.

CHAPTER 18 BENCH WARRANTS

Rule 18.0 Bench Warrant Policy for Non-Mandatory Appearances/Contempts

For the first Contempt of Court for a Non-Mandatory appearance, in which a defendant is set for arraignment for a payable ticket, the following conditions apply:

- a.) If the defendant is scheduled for a Contempt Hearing for Failure to Appear for arraignment on a Payable Ticket, the defendant can plead guilty to the Contempt of Court by signing the Contempt Waiver Form.
- b.) The defendant will be fined \$100.00.

- c.) The defendant can then plead guilty to the payable ticket.

For the first Contempt of Court for a Non-Mandatory appearance, in which a defendant is set for payment due date and can pay a minimum of \$100.00, the following conditions apply:

- a.) If the defendant previously pled guilty to the underlying charge (whether misdemeanor or traffic offense) and is scheduled for a Contempt of Court Hearing for Failure to Appear at a payment due date, the defendant can plead guilty to the Contempt of Court by signing the Contempt Waiver Form.
- b.) The defendant will be fined \$100.00.
- c.) *The defendant will pay a minimum of \$100.00*

If defendant cannot pay a minimum of \$100.00 they must go to Court.

For the second or subsequent Contempt of Court for a Non-Mandatory appearance, in which the defendant is set for arraignment of a payable ticket and can pay all fees, the following conditions apply:

- a.) If the defendant is scheduled for multiple Contempt of Court Hearings for Failure to Appear for arraignment on a Payable Ticket, the defendant can plead guilty to each Contempt by signing the Contempt Waiver Form for each Contempt.
- b.) The defendant will be fined \$100.00 per Contempt.
- c.) The defendant can then plead guilty to the payable ticket.
- d.) The defendant ***MUST MAKE ALL PAYMENTS IMMEDIATELY.***

If the defendant cannot pay the account balance in its entirety, the defendant must appear in court.

For the second Contempt of Court for a Non-Mandatory appearance, in which a defendant is set for payment due date and can pay all fees, the following conditions apply:

- a.) If the defendant previously pled guilty to the underlying charge (whether misdemeanor or traffic offense) and is scheduled for multiple Contempt of Court Hearings for Failure to Appear at a payment due date, the defendant can plead guilty to each Contempt by signing the Contempt Waiver Form for each Contempt.
- b.) The defendant will be fined \$100.00 per Contempt.
- c.) The defendant ***MUST MAKE ALL PAYMENTS IMMEDIATELY.***

If the defendant cannot pay the account balance in its entirety, the defendant must appear in court.

Rule 18.1 Bench Warrant Policy for Mandatory Appearances/Contempts

For the first Contempt of Court in a Mandatory criminal or traffic appearance, the following conditions apply:

- a.) If a defendant receives a Bench Warrant and the underlying charge is a Criminal Offense or a Mandatory Traffic Offense, the Bench Warrant can be recalled.
- b.) The Defendant must sign for a new court date.

For the second or subsequent Contempt of Court in a Mandatory criminal or traffic appearance, the following conditions apply:

- a.) If a defendant receives a 2nd or subsequent Bench Warrant and the underlying charge is a Criminal Offense or a Mandatory Traffic Offense, the Bench Warrant **CANNOT** be recalled.
- b.) The Defendant must come to court as a Bench Warrant Walk-in.

CHAPTER 19 FINANCIAL HARDSHIP

Rule 19.0 Financial Hardship

If you have been ordered to pay fines and/or court costs and you are experiencing financial hardship, you may request the Judge modify your sentence or allow you to complete the sentence by performing community service. You will need to complete and submit the Ability to Pay Income Statement.

Do not miss court because you are unable to make a payment, come to court and talk to the judge.