

30.0 ARRAIGNMENT and ASSIGNMENT OF CRIMINAL CASES

- (A) Arraignment Room Judge.** The judge presiding in the arraignment room will be chosen by lot and will serve for a period of one week.
- (B) Arraignment Continuances.** All motions to continue an arraignment must be made in writing and may be granted by the arraignment room judge for good cause shown. Any second or subsequent motions for arraignment continuance must be made in writing to the administrative judge.
- (C) Assignment of Cases.** All criminal cases shall be randomly assigned to a judge by lot upon arraignment of the defendant in accordance with Sup. R. 4 and Sup. R. 36.
- (D) Assignment or Reassignment of Certain Cases.**
- (1) Single Defendant on Probation, Community Control, Judicial Release, EIP, ILC or Diversion.**
 - (a) If a single defendant is indicted with a new offense while on probation, community control, judicial release, early intervention program, intervention in lieu of conviction or diversion, the new case will be assigned or reassigned to the judge to whom the defendant is on supervision, regardless of the date of the new offense.
 - (b) If a single defendant is indicted with a new offense, and the date of the indictment is within 60 days after termination of defendant's probation, community control, judicial release, early intervention program, intervention in lieu of conviction or diversion, the new case will be assigned or reassigned to the judge who last had defendant on supervision.
 - (2) Single Defendant with a Pending Case.** If a single defendant with a pending case is charged with a new offense, the new case will be assigned or reassigned to the judge with the pending case.
 - (3) Defendant with Co-Defendant(s) with a Pending Case.** If a defendant is charged with a new offense and has a co-defendant on the new case who has a prior pending case, the new case will be assigned or reassigned to the judge with the co-defendant's prior pending case. If two or more defendants have pending cases, the new case will be assigned or reassigned to the judge with the lowest numbered pending case.
 - (4) Defendant with Co-Defendant with No Pending Cases on Probation, Community Control, Judicial Release, EIP, ILC or Diversion.**
 - (a) If a defendant is indicted with a new offense and has a co-defendant on probation, community control, judicial release, early intervention program, intervention in lieu of conviction or community control with no pending cases, the new case will be assigned or reassigned to the judge who has the co-defendant on supervision.
 - (b) If a defendant is indicted with a new offense and has multiple co-defendants on probation, community control, judicial release, early intervention program, intervention in lieu of conviction or diversion, the case will be assigned or reassigned to the judge with the co-defendant with the lowest numbered supervision case.
- (E) Assignment or Reassignment of Cases to Specialty Dockets.** Criminal cases found to be eligible for a court's specialty docket will be transferred to the appropriate specialty docket in accordance with Local R. 30.1 through 30.4.

(F) Assignment or Reassignment of Capital Cases.

(1) Assignment of Capital Cases.

- (a) **Capital Murder.** All capital murder cases shall be randomly assigned to a judge by special lot upon arraignment in accordance with Sup. R. 36.013.
- (b) **Re-Indictment with Capital Murder Specification.** If a criminal case without capital murder specifications is initially indicted, arraigned and assigned, and if the case is later re-indicted on essentially the same set of facts and circumstances which adds a capital murder specification, the new criminal case with the capital murder specification shall be assigned to the originally assigned judge. Said judge shall be correspondingly credited with receiving a capital case assignment.

- (2) Assignment of Three-Judge Panel on Capital Cases.** In capital cases, if the defendant has entered a knowing, intelligent and voluntary waiver of the right to a jury trial on the record and has agreed to be tried by a three-judge panel, or the defendant desires to enter a plea before a three-judge panel, the administrative judge will randomly assign two panel members by special lot, who with the originally assigned judge, will constitute the panel. If any of the assigned three-judge panel is deemed unavailable, the administrative judge will randomly select another judge by special lot to replace the unavailable panel member.

Effective 7/24/2023.