

Joint Judicial Policy 2011-1

44th Circuit Court and 53rd District Court

Re: Taking Pleas by Circuit Court Upon A Reduction of Charges

Background:

There has been a long standing informal agreement between the 44th Circuit Court and the 53rd District Court regarding remand of cases bound over to the Circuit Court. The agreement was that, in any case where a felony charge was reduced to a misdemeanor after bind over, the Circuit Court Judges would take the plea on the misdemeanor instead of remanding the case back to the District Court.

When a case is remanded to the District Court, extensive time lapses for the District Court to receive the Order of Remand from the Court Clerk and for the case to be scheduled for a plea.

It appears that there have been cases where this agreement has not been consistently followed. Rather than rely on an informal agreement this policy intends to formally recognize the agreement between the two courts.

Policy:

When a Judge of the 53rd District Court takes a felony plea at the time a case is bound over to the 44th Circuit Court and the case is reduced to a misdemeanor in the Circuit Court after bind over, the Circuit Judge assigned to the case will take the plea on the misdemeanor.

When a Judge of the 44th Circuit Court is presented with a plea agreement to reduce a felony charge to a misdemeanor after bind over, the Circuit Judge assigned to the case will take the plea on the misdemeanor.

If the Circuit Judge assigned to the case believes there is reason for the District Judge that was assigned to the case to take the plea, the Circuit Judge will immediately contact the District Judge to determine if the Judge is available to take the plea while the parties are present.