

RULE 69 MUNICIPAL DIVISION

69.1 REGISTRATION OF MUNICIPAL JUDGES

Each Municipal Judge shall, within thirty (30) days of his appointment or election to office, register with the Director of Judicial Administration of the Circuit Court, setting forth his full name, address, telephone number, term of office and name of the municipality.

69.2 JURY TRIALS - MUNICIPAL DIVISION

(1) Where authorized by law, the defendant may demand trial by jury.

(2) All demands for trial by jury shall be in writing, and shall be filed with the municipal division within twenty (20) days after the date of arraignment of the defendant in the case.

(3) Within ten (10) days after a demand for trial by jury is granted, the Municipal Judge shall cause all original papers filed in the case, including any bail or appearance bonds, and any cash or other property given as security upon any such bond, to be filed with the Clerk of the Circuit Court.

(4) Upon receipt of the original papers by the Clerk of the Circuit Court, the Clerk shall open a file and assign the case a uniform number.

(5) In any case, the Court may assess costs and fees as provided by law against the defendant, including but not limited to jury fees, clerk fees, service fees, and witness fees.

(6) The costs, fees, and any fine assessed may be collected in any action allowed by law, and shall be paid into the registry of the Circuit Court. After collection, the Clerk of the Circuit Court shall disburse the monies collected to the municipal division and other recipients according to applicable statutes.

69.3 TRIAL DE NOVO - MUNICIPAL DIVISION

(1) All notices of application for trial de novo shall be filed in writing with the municipal division within ten (10) days after the date of judgment.

(2) The applicant shall deposit the sum provided for by state law and local rule with the municipal division. In the event the deposit is not made, the application shall be accepted and processed without the fee. The judge of the court to which the case is assigned may impose an appropriate sanction for non-payment, including dismissal of the application for trial de novo.

(3) Upon application for trial de novo in compliance with this rule the Municipal Judge shall, within thirty (30) days, cause to be filed in the office of the Circuit Clerk a transcript of the record duly certified by the Municipal Judge to be complete and accurate, and the cost deposit, if any, together with all of the original papers filed, including all bonds and any cash or property given as security thereon.

(4) If no application for trial de novo is filed with the municipal division within ten (10) days after the date of the judgment, the right for trial de novo shall be deemed waived and the municipal division shall execute the judgment and sentence.

69.4 INDIGENCY

(1) No Municipal Judge shall waive the required cost deposit for jury trial or trial de novo established by these rules.

(2) All applications to waive cost deposits for reasons of indigency shall be filed with the municipal division at the time of the filing of the application for trial de novo or the filing of the demand for trial by jury.

(3) The Municipal Judge shall accept the application as filed

and shall certify, in the form provided, the cause for jury trial or trial de novo as prescribed by these rules to the clerk of the Circuit Court subject to the review of the defendant's application to waive cost deposit by the Presiding Judge.

(4) If the application for the waiver of the cost deposit shall be approved, the cause shall be placed on the regular docket as prescribed by these rules.

(5) If the Presiding Judge shall deny defendant's application for waiver of cost deposit, the defendant shall within ten (10) days of receiving notification thereof, post the required cost deposit with the Circuit Clerk. If said deposit is not posted within the required time (1) in the case of an application for certification as a jury trial, the application for jury trial shall be deemed withdrawn and the cause returned to the municipal division for trial as a non-jury case, and (2) in the case of an application for trial de novo, the application for trial de novo shall be deemed withdrawn and the cause shall be returned to the municipal division for execution of judgment and sentence.

69.5 CHANGE OR DISQUALIFICATION OF JUDGE

(1) A Municipal Judge shall be disqualified (1) upon his own motion, or (2) upon verified motion made, before the trial is commenced, by either the municipality or the defendant for the reason that a fair and impartial trial cannot be conducted because of the interest or prejudice of the Judge. Neither party shall be entitled to more than one disqualification in the same case.

(2) The Municipal Judge shall within ten (10) days after his disqualification inform the Presiding Judge of his disqualification.

(3) The Presiding Judge shall thereupon transfer another Municipal Judge to hear the case upon which the original Judge was disqualified and said transferred Judge shall have the authority to hear and determine the case.

69.6 TRAFFIC VIOLATIONS BUREAU

[Repealed - Effective June 11, 2001]