

RULE 69.3 TRIAL DE NOVO- MUNICIPAL DIVISION

(1) Where authorized by law, the defendant may request a trial de novo. 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.

(2) Pursuant to Supreme Court Rule 37.71, all requests for trial de novo shall be made by written motion, and shall be filed with the municipal division no longer than ten (10) calendar days from the entry of judgment.

(3) Pursuant to Supreme Court Rule 37.72, the filing of an application for trial de novo or review shall suspend the execution of the judgment of the municipal division. If the applicant for trial de novo withdraws the application, or if before commencement of trial, the court enters a finding that the applicant has abandoned the trial de novo, the case shall be remanded to the municipal division for execution of judgment. Upon receipt of any such motion, the municipal division shall promptly set the motion for hearing. The defendant must appear at the scheduled hearing.

(4) If the motion is sustained, pursuant to Supreme Court Rule 37.73, the municipal division clerk shall transmit to the Clerk of the Circuit Court within fifteen (15) calendar days from the granting of the motion a certified copy of all papers filed in the case, including any bond paperwork, any cash or other property given as security upon any such bond, and fingerprint cards. The filing shall include the filing memorandum provided by the Clerk of the Circuit Court. Any missing or omitted documents including fingerprint cards where required by law, shall be corrected by the municipal division clerk. The failure of the municipal division clerk to transmit the record shall not affect the defendant's trial de novo.

(5) Upon receipt of the municipal division clerk's filing to the Clerk of the Circuit Court, clerk procedures in the Court Clerk Handbook should be followed. In instances that the case has been filed by using the police issued citation as the charging document, the case shall include only (one) 1 charge per case unless the second charge is a seatbelt violation. When the case is filed by formal information, it may include more than one (1) charge/count. The Clerk's office shall notify all parties of the scheduled court date by electronic filing for attorneys or paper mail for pro se defendants.

(6) The municipal prosecutor and pro se defendant or counsel for defendant are expected to communicate and make good faith efforts to reach a disposition prior to the initial docket setting.

(7) The pro se defendant and counsel for defendant must appear at the initial appearance. Failure to appear by the pro se defendant may result in a warrant being issued for his/her arrest.

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(9) If resolution of the case has not been reached by the parties at the initial appearance in the Associate division, pre-trial and trial dates shall be set at that initial appearance. Parties shall be expected to present exclusionary dates to the court at the initial appearance. A case may be continued upon good cause shown.

(10) In any case before the Associate division, the Circuit Court may assess costs and fines against the defendant as provided by law. A cost bill shall be made available by the Clerk's office. A record of the final disposition shall be sent back to the municipal division with original jurisdiction.

(11) The costs and fines 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.

(12) Pursuant to Supreme Court Rule 37.61(f), once the case has been accepted by the Associate Division as a certified case, a case may be remanded to the municipal division, if the defendant files a written motion so requesting and attaches thereto a waiver of the right to a jury trial. Cases certified for a jury trial pursuant to Local Court Rule 69.01 are deemed waived by (1) failure to appear at trial, or (2) by filing with the clerk written consent in person or by attorney, or (3) by oral consent in court, entered in the minutes, or (4) by proceeding to trial without objection.