IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

IN RE: POLK COUNTY DISTRICT COURT CRIMINAL ASSIGNMENTS	ADMINISTRATIVE ORDER 2021-37

To fully utilize Fifth Judicial District judicial resources and to promote the ideal of efficient court administration within the Fifth Judicial District:

IT IS THEREFORE ORDERED,

I. The provisions of this Order provide for and establish the assignment of judicial duties and responsibilities of Fifth Judicial District Court Judges who are assigned to the criminal dockets.

II. Judicial duties and responsibilities of the Polk County District Court Judges who are assigned to the criminal dockets are divided into four (4) benches occupying courtrooms and chambers as follows:

2021 OCT -4 AM 8:20
CLERK DISTRICT COURT

Docket	Courtroom Assignment
DCC1	Courtroom 210 Criminal Courthouse
DCC2	Courtroom 310 Criminal Courthouse
DCC3	Courtroom 410 Criminal Courthouse
DCC4	Courtroom 220 Criminal Courthouse

III. District Court Judges assigned to criminal dockets shall serve on rotating one-year terms. Docket assignments are set forth in Administrative Order 2021-35, Attachment A.

IV. The District Court Criminal Courtrooms shall be assigned and scheduled as follows:

A. DCC1 - Courtroom 210 Criminal Courthouse (Felony Processing)

1. Case Assignment. All felony matters D and above and crimes pled in the same Trial Information with such felonies, (with the exception of Domestic 3rd and OWI 3rd), will be set in DCC1 until arraignment. At the

time of arraignment, forcible felonies will be reassigned by case number to the DCC2 and DCC3 dockets. All drug related felonies will be reassigned to DCC4. The DCC1 docket will review and submit all Trial Information, Minutes of Testimony, both search and arrest warrants and warrant returns, as well as review County Attorney Subpoenas for cases assigned to this docket. Additionally, Violation of No Contact Order Hearings (VNCOs), Reasonable Ability to Pay Motions (RATP) and Motions to Transfer Jurisdiction will be heard on those cases assigned to DCC1. Cases admitted into the Youthful Offender Program will be transferred to this docket.

2. Scheduling.
    i. Case Coordinators. The Felony Case Coordinator (for out-of-custody defendants) and Jail Case Coordinator (for in-custody defendants) shall prepare the Order Following Arraignment for all felony cases assigned to district court. The Felony and Jail Case Coordinators will complete all Written Arraignments and screen for substance abuse evaluations. The Felony and Jail Court Case Coordinators shall schedule the initial judicial review ("tickler") and trial dates. They will also be responsible for setting first round probation violation hearings. The Jail Case Coordinator will reschedule hearings from initial appearances on warrant returns and arrests.
    ii. Court Attendant. The Court Attendant shall schedule bond reviews, seized property hearings, continuances, subsequent judicial review ("tickler") dates, pre-trial conferences (virtual or in-person), final status conferences, pleas, sentencings, probation violations, and continuances of jury trials. The Court Attendant shall also process all attorney Motions to Withdraw on cases assigned to this docket.

3. Courtroom Schedule.

Monday	8:00 – 9:00	Arraignments, Bond Reviews, and Competency Evaluations	
	9:00 – 12:00	Pleas, Sentencings, Contested Probation Violation Hearings, and Motions	
	1:30 – 4:30	Pleas, Sentencings, Contested Probation Violation Hearings, and Motions	
Tuesday	8:00 – 9:00	Arraignments, Bond Reviews, and Competency Hearings	
	9:00 – 12:00	Pleas, Sentencings, Contested Probation Violation Hearings, and Motions	
	1:30 – 3:30	Youthful Offender Program	
	3:30 – 4:30	Bond Forfeitures	
Wednesday	8:00 – 9:00	Arraignments, Bond Reviews, and Competency Hearings	
	9:00 – 11:00	Pleas, Sentencings, Contested Probation Violation Hearings, and Motions	
	1100 – 12:00	Violations of No Contact Order Hearings (set by jail)	
	1:30 – 4:30	Pleas, Sentencings, Contested Probation Violation Hearings, and Motions	
Thursday	8:00 – 9:00	Arraignments, Bond Reviews, and Competency Hearings	Judicial Reviews ("tickler")
	9:30 – 12:00	Pre-Trial Conferences (in-person or virtual)	
	1:30 – 4:30	Final Status Conferences (In-Person)	

	8:00 – 9:00	Arraignments, Bond Reviews, and Competency Hearings
Friday	9:00 – 12:00	1st round Probation Violation Hearings
	1:30 – 4:30	Seized Property Hearings

B. DCC2 - Courtroom 310 Criminal Courthouse (Felony Trials – Even)
DCC3 - Courtroom 410 Criminal Courthouse (Felony Trials – Odd)

1. Case Assignment. All Class "A" felonies, non-drug related Class "B" felonies, forcible felonies, and crimes pled in the same Trial Information with such felonies, shall be assigned to the felony criminal trial docket. All **even-numbered** cases shall be assigned to DCC2 for case management, trial, and disposition. All **odd-numbered** cases shall be assigned to DCC3 for case management, trial, and disposition.
2. Scheduling.
   i. Felony Case Coordinator. The Felony Case Coordinator (for out-of-custody defendants) and Jail Case Coordinator (for in-custody defendants) shall prepare the Order Following Arraignment for all cases that will be assigned to DCC2 and DCC3. The Order Following Arraignment shall include the initial judicial review ("tickler") and trial dates.
   ii. Court Attendant. The Court Attendant shall schedule continuances, subsequent judicial review ("tickler") dates, pre-trial conferences (virtual or in-person), final status conferences, pleas, sentencings, and continuances of jury trials.

3. Jury Week - Courtroom Schedule.

Monday	8:00 – 9:00	DO NOT SCHEDULE	
	9:00 – 4:00	Trial	
Tuesday	8:00 – 9:00	Pleas, Sentencings, and Motions	
	9:00 – 4:00	Trial	
Wednesday	8:00 – 9:00	Pleas, Sentencings, and Motions	
	9:00 – 4:00	Trial	
Thursday	8:00 – 9:00	Pleas, Sentencings, and Motions	
	9:00 – 12:00	Trial	Judicial Review ("tickler")
	1:30 – 4:00	Trial	PTC (virtual or in-person)
Friday	8:00 – 9:00	Pleas, sentencings and motions	
	9:00 – 4:00	Final Status Conferences (In-Person)	

4. Non - Jury Week Courtroom Schedule.

Monday	9:00 – 4:00	Non-Jury Trials, Pleas, Sentencings, Hearings
Tuesday	9:00 – 4:00	Non-Jury Trials, Pleas, Sentencings, Hearings
Wednesday	9:00 – 4:00	Non-Jury Trials, Pleas, Sentencings, Hearings
Thursday	9:00 – 12:00	Judicial Reviews ("Tickler")
	1:30 – 4:00	Pre-Trial Conferences (virtual or in-person)
Friday	9:00 – 4:00	Final Status Conferences (In-Person)

5. Miscellaneous.

   i. Conflicts in Scheduling. Those judges assigned to DCC2 and DCC3 may encounter conflicts in scheduling because of trial duties, as it relates to Pre-Trial Conferences on Thursday afternoons, and Final Status Conferences on Fridays. In order to alleviate those conflicts; 1) judges are strongly encouraged to schedule final status conferences so as to minimize conflict with the trials; 2) to the extent one docket is in trial (ex. DCC2), the Fel. CC shall check of the availability of the other docket (ex. DCC3) to provide coverage for the PTC or Final STC; and 3) if neither DCC2 nor DCC3 are available, the Fel. CC shall contact the Civil Case Coordinator who shall reassign the PTC or Final STC to a judge assigned to the civil bench, consistent with the prioritization set forth in Administrative Order 2021 – 58.

   ii. Final Status Conferences. Those cases that the parties have confirmed for trial shall be scheduled for a final status conference ten (10) days prior to trial. In order to make

efficient use of jurors' time on the day of trial, pre-trial motions (Frye hearings, motions in limine, 5.104 motions, etc.) should be addressed at the final status conference and not the morning of trial.

iii. Continuances. As a guideline, felony cases shall be disposed within six months from arrest to trial as set forth in the Rule 23.2(1)(a) of the Time Standards For Case Processing. Motions for continuance are discouraged. A motion for continuance should not be granted except upon a showing of good and compelling cause. Pursuant to Rule 23.2(2) of the Time Standards for Case Processing, if a party demonstrates good cause for exceeding the time standards set forth in rule 23.2(1), the Court may order an extension of the time for trial not to exceed twelve months from arrest to trial.

C. DCC4 - Courtroom 220 Criminal Courthouse (Drug-Related Felony Offenses)

1. Case Assignment. All felony drug-related offenses, including felony drug-related probation matters. Motions, including, but not limited to Motion to Suppress, Motions to Reconsider, and Reasonable Ability to Pay Motions will be heard on all cases sentenced by this docket.
2. Scheduling.
   i. Case Coordinator. The Felony and Jail Court Case Coordinators shall schedule the initial judicial review ("tickler") and trial dates. They will also be responsible for setting 1st round probation violation hearings. The Jail Case Coordinator will reschedule hearings from Initial Appearances on warrant returns and arrests.
   ii. Court Attendant. The Court Attendant shall schedule continuances, subsequent judicial review ("tickler") dates, pre-trial conferences (virtual or in-person), final status

conferences, pleas, sentencings, probation violations, and continuances of jury trials. The Court Attendant shall also process all attorney Motions to Withdraw on cases assigned to this docket.

3. Courtroom Schedule.

Monday	8:00 – 12:00	Pleas, Sentencings, and Contested Probation Violation Hearings	
	1:30 – 4:30	Pleas, Sentencings, and Contested Probation Violation Hearings	
Tuesday	8:00 – 12:00	Pleas, Sentencings, and Contested Probation Violation Hearings	
	1:30 – 4:30	Pleas, Sentencings, and Contested Probation Violation Hearings	
Wednesday	8:00 – 9:00	Pleas, Sentencings, and Contested Probation Violation Hearings	
	1:30 – 4:30	Motions	
Thursday	8:00 – 12:00	PTCs (virtual or in-person)	Judicial Reviews ("tickler")
	1:30 – 4:30	Final Status Conferences (In-Person)	
Friday	8:00 – 12:00	1st round Probation Violation Hearings	
	1:30 – 4:30		

V. The Felony Case Coordinator shall maintain and schedule the master trial calendar (DCC9). The Felony Case Coordinator shall also be responsible for judicial coverage and trial assignments.

VI. Terminology.

A. **Judicial Reviews ("ticklers"):** pleadings submitted by the parties in lieu of virtual or personal appearance. Pleadings should detail current state of plea negations and discovery, and any potential forthcoming motions.

B. **Pre-Trial Conference:** virtual or in-person conference with the parties to address non-substantive motions (i.e. Motion to Continue, Motions to Extend Deadlines, etc.), discuss the viability of the current trial date, update on the progress of discovery, and other case management related issues.

C. **Status Conference:** In-person conference with the parties who are confirmed for trial. Court should address trial management issues and final pre-trial motions.

DATED this 4th day of October, 2021.

MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:

Chief Justice Susan Christensen, Iowa Supreme Court
Liaison Justice Edward Mansfield, Iowa Supreme Court
Interim State Court Administrator, John A Goerdt
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
John Sarcone, Polk County Attorney
Val Wilson, Adult Public Defender
Matt Sheeley, Juvenile Public Defender
Jerry Evans, Department of Corrections