

IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: SCHEDULING OF  
ARRAIGNMENTS IN POLK COUNTY  
CRIMINAL CASES

ADMINISTRATIVE ORDER 2023-11  
  
(REPLACING ADMINISTRATIVE  
ORDER 2015-32)

In April of 2015, Administrative Order 2015-32 was entered to shorten the time for scheduling arraignments in Polk County criminal cases from 50 days to 45 days. The justification for this decision was 1) the infrequent use of written arraignments; 2) the prior schedule had caused a delay in the speedy disposition of cases; and 3) the prior schedule had resulted in the unintended consequence of some dismissals for failure of speedy indictment.


Since the entry of Administrative Order 2015-32, the use of written arraignments has markedly increased, primarily the result of their use during COVID and their more general acceptance since. In addition, concerns have been raised that the court has inadvertently advised the prosecutor that a trial information had not yet been filed when an arraignment is continued (typically resulting in the filing of an information by close of business on the 45<sup>th</sup> day). Finally, the concerns regarding the speedy disposition of cases that was described in 2015 has not persisted.

As a result, the court vacates Administrative Order 2015-32 and reinstates the prior schedule for arraignments; namely, that they will be scheduled 50 days after the initial appearance. This will ensure that any scheduled arraignment will take place after the filing of the trial information or be subject to dismissal under the speedy indictment rule (absent a finding of good cause). For defendants in indictable misdemeanor cases who have not been released from custody, the county attorney shall endeavor to file trial informations no later than 30 days after initial appearance so that expedited

arraignments can be conducted in the jail court within 30 days after initial appearance. Expedited arraignments for in-custody misdemeanor defendants shall continue to take place in the jail courtroom.

This order shall take effect on August 7, 2023.

Dated this 3rd day of August, 2023.



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  
State Court Administrator, Bob Gast  
Fifth Judicial District Judges, Staff and Stakeholders  
Kimberly Graham, Polk County Attorney  
Valorie Wilson, Adult Public Defender  
Matthew Sheeley, Juvenile Public Defender

FILED  
POLK COUNTY, IA.  
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FIFTH JUDICIAL DISTRICT COURT