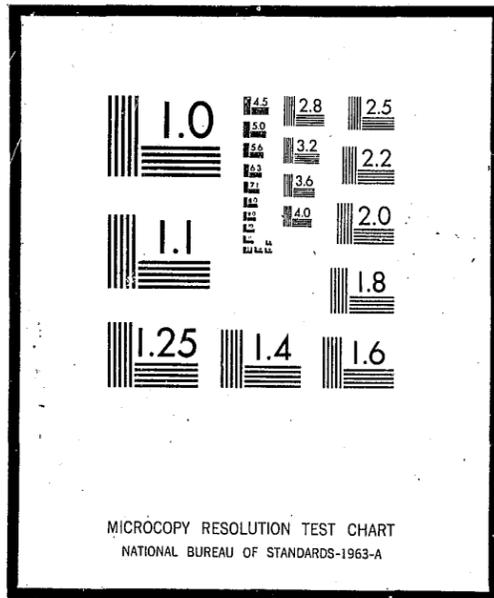


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**U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
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CRIMINAL COURT CALENDAR MANAGEMENT

IN LAKE COUNTY, INDIANA

Consultants:
American Judicature Society:
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June, 1973

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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CRIMINAL COURT CALENDAR MANAGEMENT
IN LAKE COUNTY, INDIANA

I. INTRODUCTION

This report is the product of a technical assistance assignment undertaken by the American Judicature Society at the request of the Criminal Courts Technical Assistance Project at American University. The objective of this assignment was to review case management and calendaring problems in the Criminal Court of Lake County, Indiana. Mr. Glen Winters, the Society's executive director, visited the Court on April 30 along with the Society's assistant director of research, Mr. James G. McConnell. Mr. McConnell continued field work on May 1, 2, 9, and 17. Preliminary recommendations were reviewed with the judge and court staff on May 9 and again on May 17. Findings and preliminary recommendations were also reviewed with Mr. James Walker, judicial coordinator of the Lake County Coordinating Council of the Indiana Criminal Justice Agency.

In analyzing the management problems of the court, the technical assistance team was provided with essential background information by numerous officials involved in court process. These officials include the Honorable Andrew V. Giorgi, Judge of the Criminal Court of Lake County; James T. Walker, Judicial Coordinator of the Lake County Coordinating Council; Kenneth A. Morrow, Chief Court Administrator of the Criminal Court; Francis Arens, Chief Deputy Criminal clerk; David H. Nicholls, Deputy Prosecuting Attorney and Trial Supervisor; and Bernard Bagley, Warden of the Lake County Jail.

II. ANALYSIS OF EXISTING SITUATION

A. The General Pattern of Case Processing

The Criminal Court of Lake County has jurisdiction over all felonies committed in the county and is served by one judge and four commissioners. Case management and calendaring functions are handled by a staff consisting of one court administrator and a secretary shared part-time with the pauper attorneys.

Cases originate in the court with the filing by a prosecutor of a probable cause affidavit and a charging affidavit. In indictable cases, the case based on the prosecutor's affidavits is dismissed when the indictment is filed. If, upon reviewing the probable cause affidavit, the judge or a commissioner finds that probable cause to believe the defendant has committed the alleged offense exists, an arrest warrant is issued. This warrant is generally served by the sheriff's deputies. If the defendant is arrested without a warrant by local police, he will be held in a local lock-up until the probable cause and charging affidavits can be prepared by the prosecutor's office and presented to the court. When a warrant issues, the prisoner is then transported to the county jail in Crown Point where the warrant is served, and held there pending his court appearance unless he can post bond.

The amount of bail set by the reviewing commissioner or judge is stated on the face of the probable cause affidavit and the warrant. The defendant may secure his release by posting a real property or

surety bond with the sheriff, or a cash bond with the clerk. When a defendant is released on bond, the sheriff or clerk gives him a card assigning a certain date for his first court appearance. The court administrator is provided with duplicates of these cards. In addition he receives twice monthly from the sheriff a list of all jail inmates and a daily list of inmates newly arrested who have not posted bond. The court administrator assigns a date for the first court appearance of defendants held in jail.

At the first court appearance, jailed defendants are asked if they wish the pauper attorneys appointed to represent them. In many cases the first appearance is continued to give the defendant time to hire private counsel if he can. A defendant released on bond may be arraigned on the date set for his first appearance if counsel appears with him. If the defendant on bond does not have counsel at the first appearance, arraignment will be set for another date. For jailed defendants the date for arraignment is set after appointment of pauper attorneys, or in the unusual case of a jailed defendant with private counsel, at the first appearance.

At arraignment, a date is fixed by which all pretrial motions must be filed, usually 30 days after arraignment, and the case is put on the calendar for this date (the filing date may be continued once on defendant's motion). If no motions are filed, the case is set for a readiness conference. When the parties appear on motions day, if motions are filed, the case is set for hearings on the motions, usually at least ten days later. Some

motions, such as discovery motions, may require two or more additional hearings before a date for readiness conference can be set.

At the readiness conference the issues to be tried are discussed, as well as possible dispositions by guilty pleas. At the conclusion of the conference, the case is set for trial. Jury trials are set for Mondays and Wednesdays, with three jury trials set in Division I and two in Division II on Monday, and two in Division I and three in Division II on Wednesday. Usually four of the five cases set for jury trial will be disposed of by guilty plea on the trial date. If fewer than three of the five cases are terminated by guilty pleas, one or more cases must be set for trial on a later date, since there are only two courtrooms currently available.

At the conclusion of a jury or bench trial, a date is set for entry of judgment. When judgment is entered, a presentence investigation is ordered if the defendant is found guilty, and a date is set for sentencing. At the time sentence is passed a date is set for submission of post-trial motions.

B. Special Problems

I. Keeping Track of Drug and Psychiatric Exams and Commitments

Two distinct defense motions can upset the case processing pattern described above: motions alleging that the defendant lacks sufficient mental competency to stand trial, and motions for special treatment as a drug abuser under Indiana Public Law 222. Both motions require that the defendant

be sent to a hospital for observation and examination, and preclude the setting of the case for a specific date pending receipt of medical reports. As a result, cases in which motions for drug abuse or mental competency examinations have been granted are placed in an inactive status until the results of the examinations are received by the court.

Reports of the drug and psychiatric examinations are forwarded to the court by mail, and the court, upon receiving the reports, sets the case for hearing. If the defendant is found competent to stand trial and/or ineligible for special drug treatment, the case is removed from its inactive status and restored to the active calendar. If the defendant is found incompetent to stand trial, he is committed to a mental hospital, and the case reverts to inactive status until the hospital reports he is competent to stand trial. If the defendant is found eligible for special drug treatment, he is committed for treatment and his case reverts to inactive status until his treatment is completed or unsuccessfully terminated, at which time it is restored to the active calendar.

At present, there is no systematic method for keeping track of cases on inactive status because of drug or psychiatric examinations and commitments.

2. Keeping Track of Incarcerated Defendants to Insure Trial Within Required Time Limit

Rules of the Indiana Supreme Court require that defendants released on bail be brought to trial within one year from the date the bond is made, and that defendants held in jail be brought to trial within six months from the date charges are filed against them. In addition, jailed

defendants may move for early trial in which case they must be brought to trial within 50 judicial days from the filing of the motion. Defendants not brought to trial within the required time must be discharged unless the delay results from the actions of the defendant.

The court has recently been faced with several motions for discharge under these rules. Often such motions are made when cases become lost while defendants remain in jail. While this problem has been partially remedied by the daily lists of new inmates which are now provided to the court administrator, a more systematic method of accounting for incarcerated defendants is called for. In addition, there is presently no method of keeping track of those cases in which defendants are released on bond to insure that they are put on the calendar for disposition within the required period of time.

3. Handling Requests for Special Judges

Every defendant in Indiana has the right to one change of judge without cause. Because the court in Lake County has only one judge, the court must use a special judge in each case in which a defendant moves for a change of judge. The process of appointing a special judge is cumbersome and time consuming, and cases in which special judges are requested often become inactive pending qualification of the special judge. There is no systematic method for assuring that a case involving such a request is restored to the active calendar once a special judge is qualified.

4. Handling Pauper Appeals

A final case processing problem faces the court in the handling of

appeals, especially appeals by defendants who have hired trial counsel but who cannot afford counsel for appeal. These cases will involve the appointment of counsel, preparation of a free trial transcript, and presentation of a motion to correct errors. The court now has no way of effectively supervising these cases to avoid long delays in carrying out steps. As a result, appellate courts may be presented with pro se petitions from prisoners whose appeals have not been processed properly by the trial courts.

5. Managing the Court's Calendar

Case control and calendar management in the court are the responsibility of the court administrator. Currently the calendars are prepared by using the court docket sheets kept by the clerk. The published calendar is prepared three weeks in advance, and covers a period of four weeks. Daily calendars are prepared for the use of the judge and commissioners. The daily calendars include all cases set down on the published calendar, plus other matters set down for each day after the published calendar has been printed. Unless a new calendar is printed daily, such late settings will always be necessary. However, they now amount to fully one-third of all matters heard each day. Some effort should be made to reduce the time delay involved in printing and mailing the published calendars so the number of late settings can be reduced.

The court administrator prepares the calendars by reviewing the docket sheets in the clerk's office and recording the settings which have been entered on the docket sheets. This process is cumbersome and

inefficient, and the calendars prepared are frequently inaccurate because the docket sheets are handled by many personnel and are occasionally lost temporarily. They are used in court by the judge and commissioners as a record of prior action in the cases which are heard. They are used by court reporters who must transcribe minute orders onto them. They are used by the judge in reviewing the work of the commissioners. They are also used by both prosecution and defense attorneys in reviewing cases and updating their files.

Consequently, the docket sheets form a record of court date settings which is incomplete at best. For the court administrator to rely on this kind of record for preparing his court calendars is to invite disaster. The court administrator should have his own record of settings and relevant actions in every case pending before the court, and the record should be kept secure from loss or tampering by limiting its use to the court administrator and his staff. Recommendations for the creation and maintenance of such a record are contained in the following section of this report.

III. RECOMMENDATIONS

THE COURT ADMINISTRATOR SHOULD HAVE A SEPARATE RECORDKEEPING SYSTEM FOR CALENDAR MANAGEMENT. THE RECORDS SHOULD CONTAIN ONLY SUCH INFORMATION AS IS NECESSARY FOR CALENDAR CONTROL PURPOSES. THE SYSTEM SHOULD BE SELF-CONTAINED TO THE GREATEST EXTENT POSSIBLE.

Docket sheets, as constituted and used in the Lake County Criminal Court, contain a great deal of detailed information which is not relevant to calendar control. The docket sheets are used for many different purposes by several different participants in the criminal justice process, and as a result are not always readily available to the court administrator for calendar management functions. As long as the calendar- ing process relies on docket sheets as the primary original record of case settings, the possibility of temporary loss of docket sheets means that case control is incomplete at best.

A. Adopt Manual Calendar Management System

We recommend that the court adopt the calendar management system described below. The recommended system is a manually operated system, but it is readily adaptable to computerization should the court have a computer available at some future time. This system requires the court administrator and his staff to maintain three card files containing four basic documents.

I. Card Files Required

a. Index File

The index file is composed of the 3 x 5 inch index cards shown in figure 1. Each card represents one defendant in one cause. In causes involving multiple defendants, a separate index card is made up for each defendant. In instances where separate charges are pending against one defendant, there will be a separate card for each case number. The index cards are filed alphabetically according to the defendant's name. The index file is used to locate the case control cards in the calendar file when action in a case takes place at a time when the case is not set down on the calendar. Each time a case control card is filed in the calendar file or the holding file, its location is noted on the corresponding index card.

The index file also serves as a reminder of cases in which speedy trial motions have been filed. When such a motion is filed, the index card for that case is flagged with a red marker. Blue markers are similarly used to indicate cases where drug or psychiatric examinations or commitments have been ordered.

The index file will also provide related case information once the system is in operation. Since the index file contains a card for every defendant in every case pending before the court, a quick search under a defendant's name in the index file will reveal whether there are any other pending cases involving him before the court.

INDEX FILE CARD

Defendant _____

Cause no. _____

location of case control card :

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Figure 1

b. Calendar File

The calendar file is composed of the 5 x 8 inch case control cards shown in figures 2 a & b. The file is divided into 31 numbered sections to represent the days of a month. When a case is set down for a certain date by the judge or a commissioner, or by the court administrator or other personnel (as in the case of first appearances) the case control card for that case is filed in the numbered section corresponding to the date for which the case has been set down. The date on which the case is set is also recorded on the index card for that case. Within the numbered sections the case control cards are filed according to case number, except where cards for two different months are filed in the same section. For example, on May 15 the file section numbered 16 will contain case control cards for all cases set down for May 16 - the following day. In addition, some cases may have been set down already for June 16. The case control cards for these cases would also be filed in section 16. In such a case, the case control cards for cases set for May 16 would be filed according to case number in the front of section 16, while the cards for June 16 cases would be filed in order of case number behind the May 16 group.

If the calendar file is properly maintained, the groupings of case control cards in the calendar file will accurately represent the daily and monthly court calendars at any given time.

c. Holding File

The holding file is also composed of case control cards. The case control cards in the holding file are filed alphabetically according

to the name of the defendant. Case control cards are transferred to the holding file whenever an action is taken that precludes setting the case down for a specific date. Usually this happens when a drug or psychiatric examination or commitment is ordered, or when charges are filed before a defendant is arrested, in which case the case control card will be put in the holding file until the warrant is returned. Whenever a case control card is put in the holding file, the word "hold" is entered on the corresponding index card to reflect that fact.

2. Documents Required

a. Case Control Card

The case control card is the basic document in the recommended calendar management system. The card is a 5 x 8 inch index card (see figure 2 a & b which contains all the information about a case which is relevant to calendar management.

The reverse side of the card shows the courtroom to which the case is assigned. The Lake County Criminal Court presently has two court rooms, and will have four when the court moves to the new county government complex. The back of the card also shows the defendant's name, the case number, the offenses charged, and the name and telephone number of the defendant's attorney. Space is provided for listing related cases to insure that these are put on the calendar for the same day whenever possible, so court time and attorney's time is used most efficiently. The spaces indicating "speedy trial date," and "jail trial date," and "bail trial date," will

CASE CONTROL CARD

Room no. _____ Defendant _____ Cause no. _____

Offenses charged _____

Attorney _____ Attorney's phone _____

RELATED CASES

other defendants in this cause

speedy trial date _____
jail trial date _____
bail trial date _____

other causes involving this defendant

CONTINUED

ELIGIBLE FOR DISCHARGE

(S or D)	

ACTIONS	SETTINGS
indictment or charge filed	bond red'n hearing set for
warrant returned	1st appearance set for
bond red'n motion filed	1st appearance reset for
bond posted	1st appearance reset for
jury demanded	arraignment set for
speedy trial motion filed	arraignment reset for
congested docket motion filed	arraignment reset for
separate trial motion filed	pretrial motions set for
change of judge ordered	pretrial motions reset for
PL 222 or psych examination motion filed	pretrial motions reset for
PL 222 or psych exam ordered	readiness conference set for
PL 222 or psych commitment motion to correct error filed	trial set for
pauper appeal attorney ap't'd (name)	trial reset for
transcript ordered	trial reset for
transcript filed	judgment set for
	sentencing set for
	motion to correct error set for
	transcript to be filed by

Figure 2 b

show the date by which the defendant must be brought to trial under the applicable rules if he has 1) respectively filed a speedy trial motion, 2) been detained in jail without filing such a motion, or 3) been released on bond, providing he has done nothing to delay the trial of his case. The remaining space is devoted to a record of continuances in the case. The responsibility for a continuance is indicated by circling the S or D shown in the continuance column, and the date of granting the countinuanace is entered in the same column. If the continuance is granted on the motion of the defendant, the new date on which the defendant will become eligible for discharge is recorded under the appropriate heading on the same line as the continuance.

The reverse side of the case control card has space for recording all actions in a case which have significance for calendar management, as well as all settings in the case. Thus the case control card is a fairly complete record of the status of a case, independent of docket sheets and other court records.

b. Index File Card

This card is a 3 x 5 inch index card (see figure 1) which is used primarily for locating case control cards filed in the calendar file. If action is taken in a case on some date when the case has not been set down on the calendar, it is necessary to be able to find the date for which the case is next set down so that the case control card can be located and the action recorded, along with a new setting if one is made, and to refill the case control card accordingly.

The back of the index file card contains the information necessary to identify a particular case - the defendant's name and case number - the numerous spaces for identifying the location of the corresponding case control card by entering either the number of the section in the calendar file where the case control card is filed, or the word "hold" to indicate that the case control card is located in the holding file. Each time a case control card is moved, the old entry on the index file card is crossed out, and a new entry written in the next blank space.

c. Monthly Calendar

The monthly calendar is prepared and printed for mailing to lawyers in the county to remind them of cases they have which are set down for hearings or trial in the Criminal Court. The calendars are mailed out two weeks in advance of the first day of the calendar period to provide adequate notice so the lawyers can contact their clients and adjust their schedules accordingly. An example of the printed monthly calendar appears in figure 3.

The monthly calendar can be prepared at any time using the case control cards in the calendar file. On the day the monthly calendar is prepared, the typist begins with the file section in the calendar file corresponding to the date of the first day of the calendar period, and types a list of all the cases set down for that date. If the calendar file is properly maintained, the case control cards will already be filed in order of case number within each section. In instances where case control cards for the same date are in the file for two or more months the typist must be careful to list only those cases set for the month in question. This method of preparing the printed

Cases Set for Trial CRIMINAL COURT OF LAKE COUNTY

N. ANDREW V. GIORGI Judge
GEORGE HALKIAS Chief Commissioner
HENRY S. KOWALCZYK Prosecuting Attorney
RAYMOND C. SUFANA Chief Deputy
NICK KROCHTA Clerk
EDWARD A. LUKAWSKI First Chief Deputy
FRANCES ARENS Chief Deputy Criminal Clerk

MONDAY, MARCH 12, 1973
THROUGH
FRIDAY, APRIL 6, 1973
LAKE COUNTY, INDIANA

LESLIE O. PRUITT Sheriff
MILLARD MATTHEWS Chief Deputy
MARY KAHANICK Chief Court Reporter
JOHN CHALOVICH Chief Bailiff
SIGMUND J. GOLONKA Chief Probation Officer
JAMES C. KIMBROUGH Chief Pauper Attorney
KENNETH A. MORROW Chief Court Administrator

NOTICE TO ATTORNEYS
The following policies will be rigidly adhered to:
I
The court will convene promptly at 9:00 a.m. Attorneys and their clients must be present at the court. If not present at said time, the bench will be the first order of business.
II
Continuances, including those for the first trial, shall be granted solely by the court. Requests must be addressed to the court in writing (with copy to the Prosecutor) and filed at least five days before trial required by Burns 9-1491.
III
If a defendant is detained, attorneys should enter their appearance in writing filed with the Clerk, with the Prosecutor. Withdrawal must be by the court upon written motion.
IV
A defendant charged in this court shall be present in court whenever said cause is set down in the printed calendar or has been set by order of the court for trial, or any other proceeding. This rule shall apply only in those cases where the court has granted specific leave to the defendant not to appear or has granted a continuance prior to the trial for said proceedings as it appears on the calendar, or by special order.
V
Depositions
A request for depositions must be filed with the court, in writing, with copies served on the opposing Attorney, and filed at least five days before trial. Depositions must be completed within 20 days of filing of motion if the motion for depositions is granted. The cost of moving for depositions must provide for the cost of said party's expense. Depositions must be taken in the Criminal Court Building, Crown Point, Indiana, unless the court is granted for other location. The attorney moving for deposition is responsible to arrange through the Clerk's Office for the attendance of witnesses desired to be deposed. Depositions are to be taken in the Criminal

IN THE LAKE CRIMINAL COURT
Crown Point, Indiana
HON. ANDREW V. GIORGI, JUDGE
CAUSE DEFENDANT ATTORNEY
MONDAY - MARCH 12, 1973
Division 1
42450—John Damian (Theft by Deception) (S.J. Ruman) Kimbrough (JURY)
41642—Christ Kalfas (A & B W/I to Kill) Thires (JURY)
41855—Christ Kalfas (Vol Manslaughter) Thires (JURY)
CR 73-1—Raymond D. Morris (Poss Dang Drugs) Wleklinski (JURY)
43478—Willie J. Holt (Murder 2nd) Thires (JURY)
43472—Robert Delph (Burglary 2nd) Krstovich
Division 2
44214—Robert Kiodnicki (Burglary 2nd) Horka
44215—Rodney Yarbero (Cl I-Robbery, Cl II Rape) Grimes (JURY)
42863—Tyrono Collins (Burglary 2nd) Kimbrough
42915—Gerry Nolan Foster (Cl I - Pistol No Permit) Cl II - Poss Burg Tools) R. James
42919—James Davis (Robbery) Work
TUESDAY - MARCH 13, 1973
Division 1
Cr 73-64—Melvin Brown, Sr. (A & B W/I to Kill) Clement (JURY)
44199—Homer W. Smith (Theft from a Person) Kimbrough (JURY)
CR 73-6—Albert Alexander (Theft of Stolen Prop) J. McKenna
CR 73-57—Freddie McFarland (Burglary 1st) Roy Dakich
43697—William Downs, Jr. (Pistol No Permit) F. Work
44180—Bernard Ford (Robbery) Carmouche (JURY)
John W. Burch (Robbery) Carmouche
King A. Smith (Robbery) Carmouche
44022—Donald Armour (Robbery) Grimes
Division 2
44039—Carzon Gain Kimbrough
44000—Valman Re. Commit a P. J. McKenna
CR 73-65—Mark E. Sullivan (Poss of Dang Drug)

THURSDAY - MARCH 15, 1973
Division 1
CR 73-17—Donald Brill (Theft By Deception) Muha
43546—Rickey Purnell (Murder 2nd) R. James
43370—Robert Earl Jordan (Poss Narc Drug) Patton
44144—Robert Ianik (Poss Dang Drug) Foster (JURY)
44117—Andre Kyles (Pistol No Permit) Anderson (JURY)
Division 2
44184—David J. Baker (Sale of Dang Drug) Muha (S.J. Kaplan)
43342—Sam Bailey, Jr. (Burglary 1st) Karr
43641—Larry Cody (Robbery) Carmouche
42911—James D. Adam (Theft Over \$100) Hovonec
Cr 73-14—Clement Harris (Fugitive) Pauper Attorney
43999—Robert Hardison (Fugitive) Huebner
FRIDAY - MARCH 16, 1973
Division 1
43937—Curtis Lyons (Burglary 1st) Dakich (JURY)
41444—Doran Walker (Poss Narc) Christakis
CR 73-44—Kenneth Sutton (Theft - Auto) 44149—Johnny L. Frazier (Assault W/I to Kill) 42340—Gregory McCleud (Theft-Auto) Work
Burke Laws (Theft-Auto) Kimbrough
Division 2
43154—Kenneth Buhse (Poss of Narc Para) W. McKenna
42767—Alfonza Gibson (Exerting Unauthorized Control Over Auto) W. McKenna
43958—Furman Postoy (Burglary 2nd) Christakis
42946—Herman Leo Fleming (Burglary 2nd) W. McKenna
42951—Lonnell Williams (Robbery W/Armed) Kimbrough
MONDAY - MARCH 19, 1973
Division 1
43287—Daniel Martinez (Robbery) Smith
43937—Nick Demetris (Mail Breaking) 43784—Herold Brown (Robbery) Carmouche
43958—Leroy Connors (All Armed Robbery) Pauper Attorney

Figure 3.

calendar allows flexibility since the same procedure could be used to prepare calendars covering one, two, or three weeks, rather than an entire month, should the court find it expedient to do so.

d. Daily Calendar

The daily calendar is the working document for the court. The clerk uses it to determine which case files should be in each courtroom. The bailiffs use it to determine which prisoners should be made ready for court appearances. The judge and commissioners use it to keep track of their work-load and to record the actions taken in cases which are heard. These records are then used by the court administrator in maintaining the files of index and case control cards.

The form of daily calendar now used by the court, with minor alterations, is readily adaptable to use in the recommended case control system. Figure 4 shows the daily calendar form now in use, and figure 5 shows the form as it would be changed for use in the new system. Since current practice is to list all cases for each courtroom on a separate page, there is no need for a separate room assignment designation for each case. Replacing the "division" column with a column for settings serves as a constant reminder to the judge and commissioners that every case should be set down for a date certain. Where setting a date certain is not possible, as in drug and psychiatric examinations and commitments, the judge or commissioner would write "hold" in the settings column, indicating that the case control card for that case should be transferred to the holding file.

CA USE NO.	DEFENDANT AND ATTORNEY	CHARGE	WIT:	DIV.	ACTION
CR73-128	James Watson R. Meinzer, Jr.	A&B W/I to Gratify		I	
3886	Pedro L. Hernandez R. Harper	Theft Over \$100		I	
R73-163	Ronald Ciesielski Christakis	A&B W/I to Rob		I	
CR73-172	William Hyde J. Foster	Theft Over \$100		I	
43615	Robert Williams			I	
44148	Louis Gonzalez Pauper	Burglary I		I	
CR73-148	Theodore Pufahl Thomas Shumylo James Patrick Mathews Katz Robert Ernst	Burglary I " " " "		I	

Figure 4.

I. Filing of Charge

When the prosecutor presents probable cause and charging affidavits to the court, he will also present a case control card for each defendant charged in the case, with the name of the defendant and the offenses charged typed onto each card. These new cards will be delivered to the clerk with the pleadings, and the clerk will fill in the case number on the case control cards. The cards will then be delivered to the court administrator, who will enter the date charges were filed on the reverse side of the card in the appropriate space.

The court administrator will then enter on each card the names of other defendants, if any, involved in the case. He will then check the index file under the defendant's name to determine whether any other cases involving that defendant are pending before the court. If there are other cases pending involving the defendant, the cause numbers of those cases will be entered in the space provided on the case control card.

Since the defendant will be first eligible for release six months from the date charges were filed, the date six months later is entered in the space for "jail trial date."

The case control card will then be filed in the holding file, after entering the word "hold" on the corresponding index file card. The cards should then look like those in figures 6a - c.

CASE CONTROL CARD

Room no. _____ Defendant John Doe Cause no. 73-1429

Offenses charged Pistol/no permit, assault

Attorney _____ Attorney's phone _____

RELATED CASES

other defendants in this cause

Richard Roe

speedy trial date _____
jail trial date 12/10/73
bail trial date _____

other causes involving this defendant
73-1028

CONTINUED	ELIGIBLE FOR DISCHARGE
(S or D)	

Figure 6 a

ACTIONS	SETTINGS
indictment or charge filed 6/10/73	bond red'n hearing set for
warrant returned	1st appearance set for
bond red'n motion filed	1st appearance reset for
bond posted	1st appearance reset for
jury demanded	arraignment set for
speedy trial motion filed	arraignment reset for
congested docket motion filed	arraignment reset for
separate trial motion filed	pretrial motions set for
change of judge ordered	pretrial motions reset for
PL 222 or psych examination motion filed	pretrial motions reset for
PL 222 or psych exam ordered	pretrial motions reset for
PL 222 or psych commitment	readiness conference
motion to correct error filed	set for trial
pauper appeal attorney ap't'd - (name)	set for trial
transcript ordered	reset for trial
transcript filed	reset for trial
	judgment set for
	sentencing set for
	motion to correct error set for
	transcript to be filed by

Figure 6 b

INDEX FILE CARD

Defendant John Doe

Cause no. 73-1429

location of case control card :

hold				

Figure 6 c

2. Arrest of Defendant and Return of Warrant

All warrants served should be returned to the court within 24 hours of service. The clerk will hold all warrants returned during the day until the following morning at which time the court administrator will check in the clerk's office to see what warrants have been returned, and list the case number, name of the defendant and date the warrant was served.

Using this list, the court administrator will pull the case control cards for these cases from the holding file and enter the date the warrant was served in the appropriate space on the card. He will then assign each case to a room and set a date for the first appearance. The room number and first appearance setting will be entered on the case control card and the corresponding index file card will be pulled. The word "hold" will be crossed off the index file card and the number of the date of the first appearance setting entered in the next space on the index file card. See figures 7a - c. The index file card will then be refiled, and the case control card will be filed in the numbered section of the appropriate spaces. The index card will be changed to show the earlier setting by having the number of the old setting (19 in our example) crossed out and the date of the new setting (15 in our example) entered in the next space. The index card will be refiled, and the case control card filed in the calendar file section corresponding to the new setting. The cards now look like those in figures 8a - c.

CASE CONTROL CARD

Room no. 2 Defendant John Doe Cause no. 73-1429

Offenses charged Pistol/ no permit, assault

Attorney _____ Attorney's phone _____

RELATED CASES

speedy trial date _____
 jail trial date 12/10/73
 bail trial date _____

other defendants in this cause

Richard Roe

other causes involving this defendant

73-1028

CONTINUED

ELIGIBLE FOR DISCHARGE

(S or D)	

Figure 7 a

ACTIONS	SETTINGS
indictment or charge filed 6/10/73	bond red'n hearing set for
warrant returned 6/13/73	1st appearance set for 6/19/73
bond red'n motion filed	1st appearance reset for
bond posted	1st appearance reset for
jury demanded	arraignment set for
speedy trial motion filed	arraignment reset for
congested docket motion filed	arraignment reset for
separate trial motion filed	pretrial motions set for
change of judge ordered	pretrial motions reset for
PL 222 or psych examination motion filed	pretrial motions reset for
PL 222 or psych exam ordered	readiness conference set for
PL 222 or psych commitment motion to correct error filed	trial set for
pauper appeal attorney ap't'd (name)	trial reset for
transcript ordered	trial reset for
transcript filed	judgment set for
	sentencing set for
	motion to correct. error set for
	transcript to be filed by

Figure 7 b

INDEX FILE CARD

Defendant John Doe

Cause no. 73-1429

location of case control card :

held				
19				

Figure 7 c

3. Posting of Bond

When bond is posted with the sheriff or the clerk, a bond slip is made out. All bond slips should be filed with the clerk within 24 hours after the bond is made. The clerk will hold all bond slips filed during the day until the next morning - the same procedure as for warrants. When the court administrator checks in the morning with the clerk's office to list warrants returned, he will also list bonds which have been posted. The list will show case number, defendant's name, and the date the bond was made. Using the list, the court administrator will go to the index file, locate and pull the case control card, and enter the date bond was made in the space provided (see figures 9a and b). Since the defendant is eligible for discharge one year from the date of making bond, that date of eligibility one year later is entered in the space marked "bail trial date." The case control card is then refiled in the same location.

4. Court Appearance

a. New Setting

Each day the court administrator will pull all the case control cards from the calendar file section corresponding to the date of the following day. Using these cards, he will type up the daily calendar for the next day, and then refile the cards in the same section. In the morning he will receive the daily calendar from the previous day, which will now reflect the dates for which cases heard the day before are next set down. The dates

CASE CONTROL CARD

Room no. 2 Defendant John Doe Cause no. 73-1429

Offenses charged Pistol/no permit, assault

Attorney _____ Attorney's phone _____

RELATED CASES

other defendants in this cause

Richard Roe

other causes involving this defendant

73-1028

speedy trial date _____

jail trial date 12/10/73

bail trial date _____

CONTINUED

ELIGIBLE FOR DISCHARGE

(S or D)

Figure 8 a

ACTIONS	SETTINGS
indictment or charge filed 6/10/73	bond red'n hearing set. for 6/15/73
warrant returned 6/13/73	1st appearance set for 6/19/73
bond red'n motion filed 6/14/73	1st appearance reset for
bond posted	1st appearance reset for
jury demanded	arraignment set for
speedy trial motion filed	arraignment reset for
congested docket motion filed	arraignment reset for
separate trial motion filed	pretrial motions set for
change of judge ordered	pretrial motions reset for
PL 222 or psych examination motion filed	pretrial motions reset for
PL 222 or psych exam ordered	pretrial motions reset for
PL 222 or psych commitment	readiness conference set for
motion to correct error filed	trial set for
pauper appeal attorney ap't'd (name)	trial reset for
transcript ordered	trial reset for
transcript filed	judgment set for
	sentencing set for
	motion to correct error set for
	transcript to be filed by

INDEX FILE CARD

Defendant John- Doe

Cause no. 73-1429

location of case control card :

held				
19				
15				

Figure 8 c

of these settings will have been written in on the daily calendar by the commissioner or judge who sets the case. The date of the new setting in each case will be entered in the appropriate space on the case control card. For example, if the case was heard as an arraignment, it would be set down for pretrial motions. The date of the setting would be entered in the space "pretrial motions set for." The index file card for each case would be pulled, the last date shown (which should always be yesterday's date) crossed off, and the date of the new setting entered. The index file card is then refiled, and the case control card is filed in the calendar file section corresponding to the date of the new setting.

b. No New Setting

If no new setting can be made in a case, such as one in which a drug or psychiatric examination or commitment is ordered, the judge or commissioner entering the order will write "hold" in the settings column of the daily calendar. In such a case the index file card for the case would be filed in the holding file. When examination reports are filed with the judge, he will make a docket entry setting the case for hearing. On discovering that docket entry the following day, the court administrator will locate the case control card in the holding file, and enter the new setting on the case control and index file cards, refiling the index card and filing the case control card in the calendar file section corresponding to the date of the setting.

CASE CONTROL CARD

Room no. 2 Defendant John Doe Cause no. 73-1429

Offenses charged Pistol/ no permit, assault

Attorney _____ Attorney's phone _____

RELATED CASES

other defendants in this cause

speedy trial date _____
jail trial date 12/10/73
bail trial date 6/18/74

Richard Roe

other causes involving this defendant

73-1028

CONTINUED

ELIGIBLE FOR DISCHARGE

(S or D)	_____

Figure 9 a

ACTIONS	SETTINGS
indictment or charge filed 6/10/73	bond red'n hearing set for 6/15/73
warrant returned 6/13/73	1st appearance set for 6/19/73
bond red'n motion filed 6/14/73	1st appearance reset for
bond posted 6/18/73	1st appearance reset for
jury demanded	arraignment set for
speedy trial motion filed	arraignment reset for
congested docket motion filed	arraignment reset for
separate trial motion filed	pretrial motions set for
change of judge ordered	pretrial motions reset for
PL 222 or psych examination motion filed	pretrial motions reset for
PL 222 or psych exam ordered	readiness conference set for
PL 222 or psych commitment motion to correct error filed	trial set for
pauper appeal attorney ap't'd (name)	trial reset for
transcript ordered	trial reset for
transcript filed	judgment set for
	sentencing set for
	motion to correct error set for
	transcript to be filed by

c. Continuance

If for some reason a court appearance is continued, the new setting would be handled just as described under "court appearance - new setting" above. However, before filing the case control card in the calendar file, the court administrator will record the continuance. He will circle S or D, to show whether the State or the Defense asked for the continuance, and enter the date on which the continuance was granted. If the continuance is requested by the State, the eligibility of the defendant for discharge is not affected, and the date in the "eligible for discharge" column will be the same as the jail trial date if the defendant is in jail, or the bail trial date if he is on bail, or the speedy trial date if he has filed a motion for speedy trial. If there have been prior continuances in the case the eligible for discharge date will be unchanged by a State continuance. (See figure 10).

A continuance requested by the defense tolls the running of the defendant's eligibility for discharge. When a defense continuance is recorded, therefore, the new discharge eligibility date is entered in the appropriate space (See figure 11).

5. Filing of Speedy Trial Motion

The court administrator will be alerted to the filing of a speedy trial motion by an entry on the copies of docket sheets which he receives daily. Using the index file, he will locate the case control card and enter the new setting, if one has been made, in the same manner described in "court appearance - new setting" above. If no new setting has been made,

Figure 9 b

CASE CONTROL CARD

Room no. 2 Defendant John Doe Cause no. 73-1429

Offenses charged Pistol/no permit, assault

Attorney _____ Attorney's phone _____

RELATED CASES

other defendants in this cause..

speedy trial date _____
 jail trial date 12/10/73
 bail trial date 6/18/74

Richard Roe

 other causes involving this defendant
73-1028

CONTINUED

ELIGIBLE FOR DISCHARGE

(S or D)	6/25/73	6/18/74
(S or D)	6/30/73	6/18/74
(S or D)		

CASE CONTROL CARD

Room no. 2 Defendant John Doe Cause no. 73-1429

Offenses charged Pistol/no permit, assault

Attorney _____ Attorney's phone _____

RELATED CASES

other defendants in this cause

speedy trial date _____

jail trial date _____

bail trial date _____

Richard Roe

other causes involving this defendant

73-1028

CONTINUED

ELIGIBLE FOR DISCHARGE

(S or D) 6/25/73	6/18/74
(S or D) 5/30/73	6/18/74
(S or D) 7/10/73	7/10/74
(S or D)	

Figure 11

he will call the case to the attention of the judge for setting. When he has entered the setting on the index and case control cards properly, he will mark the index card with a red marker and refile it. He will enter the date of the filing of the speedy trial motion in the space provided, and after computing the speedy trial date (50 judicial days after filing the motion) he will enter it in the space provided. If there are any continuances recorded on the card, he will line through the first open continuance space and enter the speedy trial date in the eligible for discharge column. He will then refile the case control card according to the new setting.

6. Termination of Case

For case control purposes a case is terminated 1) when the time for filing a motion to correct errors has run and none has been filed, 2) when a defendant is acquitted, or 3) when appeal is taken and the transcript and other documents have been prepared and filed in the appropriate appellate court. On termination of a case in any of these ways, the index file card and case control card are removed from the files and discarded. Should a successful appeal or other post-conviction remedy result in remand of a case to the court after termination, new cards will be prepared.

IV CONCLUSION

The recommended case control system is a simple, effective manner of managing the court's calendar and insuring that cases are not dismissed for failure to be brought to trial within prescribed time limits. Once the system is set up, each new case can be brought into it, and, with a minimum of extra work, pending cases can also be included.

Once the system has been in operation long enough so that every pending case is represented by a case control card and an index file card, a minimum amount of effort by the court administrator, judge and commissioners each day will result in the assurance that there will be no cases dismissed through oversight and resulting delay. All court personnel will then be free to devote their time to solving other problems of the court.

END