



Case Hierarchy- Traffic

After discussions with several departments across Municipal Court, the separation of cases arising from one arrest is becoming a hinderance in the Court. Furthermore, separating pending cases in certain situations is causing confusion and conflicting orders. This break down in the system is an unnecessary complication for all parties involved. Please see the examples provided:

- Δ Bryant Thompson charged on March 30, 2019.
 - DUI set April 23
 - Open Container set April 24 @ Expo Hall
- Δ Hermon Lamont arrested March 1, 2019
 - DUI set 4-23
 - Failure to register, no insurance, and no DL set May 22 @ Expo Hall
- Δ Oscar R Garcia arrested March 24, 2019
 - DUI set April 23
 - Open Container and no DL set May 7 @ Expo Hall
- Δ Philip Williams Knott arrested April 10, 2019
 - DUI set May 14
 - Running a red light set May 29 @ Expo Hall
- Δ Robert Kary Miller arrested April 6, 2019
 - Attempting to Elude set May 1
 - 33 tickets set July 17 @ Expo Hall

Case splitting requires the Court to hold multiple court settings for the same Δ for the same allegations, forcing City Legal to prove the same allegations of the facts in multiple settings, and requires a Δ to pay for counsel's appearance and arrange their own appearance (missing work, child care, transportation) for multiple settings. An added issue with DUI cases, in particular, being bifurcated from the traffic violation is the ability to show probable cause that lead to the DUI charge.

The suggested change shall be established as follows:

- When a Δ is arrested for a traffic stop resulting in a charge that requires the Δ to appear before a Judge, or may result in incarceration, the hierarchy of cases will designate which docket all the charges and/or violations arising from the incident will be assigned to.

Case Hierarchy for Traffic:

- DUI
 - Attempting to Elude
 - Reckless Driving
 - LSA
 - Racing on the roadway
 - Violations

Should a Δ be arrested for a DUI and an Open Container, the Open Container will be set with the DUI. Should a Defendant be arrested for an LSA, Running a Stop Light, and a Speeding ticket, the violations will be set with and follow the LSA.

Case Hierarchy- (Non-traffic)

Under the same understanding regarding the bifurcation of cases, non-traffic cases arising from the same incident shall travel together under the path of the case considered the highest in priority. Case hierarchy is as follows:

- Gun Docket
- Domestic Violence
- DUI
- Theft of Property
- Criminal
- Environmental
- Traffic Violation

Should a Δ be arrested for possession of pistol without a permit, and a theft of property, both the gun charge and the theft will be assigned to the Gun Docket. If a Defendant is arrested for a DUI and a pistol without a permit, the DUI and the pistol without a permit are assigned to the Gun Docket. Should a Δ be arrested for a DV and a traffic violation, both are assigned to the DV docket.

If you have questions or need clarification, please see me.