

RULE 67 CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

In cases in which charges are filed after a defendant has been arrested, booked, and released on an appearance bond, and the defendant appears as directed on that appearance bond, absent an objection from the State, the bond stated on the warrant or summons shall be set or reset at the amount of the appearance bond, and the defendant shall remain free on the appearance bond.

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION

(1) Motions to set bond and for bond reduction, after the filing of an indictment or information with the Office of the Circuit Clerk, except for those cases involving probation proceedings and for those cases assigned to Associate Circuit Judges pursuant to Rule 6.1(2), supra, shall be made in writing addressed to the Judge presiding over the division to which the case has been assigned, or the Judge designated to determine those matters in the absence of the Judge of the division to which the case is assigned.

(2) Motions to set bond and for bond reduction in all cases pending before an Associate Circuit Judge shall be made in writing addressed to the respective Associate Circuit Judge.

(3) Motions to set bond and for bond reduction in all cases involving probation proceedings shall be made in writing to the Judge presiding in the division in which the probation revocation matter is pending.

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

[No local rule]

67.1.3 APPEARANCE BONDS

Motions to set appearance bonds, prior to the filing of an indictment, information, or complaint, shall be made first to the Duty Judge and, then, if the said Duty Judge is not available, then to an Associate Circuit Judge assigned to criminal matters and then to the Presiding Judge or in his or her absence to the Assistant Presiding Judge and then to any other judge of the Circuit. An appearance bond may be set by telephone communication from the Judge, or from a division clerk acting for, at the request of, and on the instructions of the Judge, to the state, county or municipal authority holding the prisoner. The telephone communication shall set the amount and conditions of the bond and the time and place wherein the bond is returnable.

67.2 PRELIMINARY HEARING

[No local rule]

67.3 GRAND JURY

(1) The Prosecuting Attorney will advise the Judge in charge of the grand jury, on the day before a case is presented, the names of any defendants who have another charge pending in a division and the number of the division and of the case.

(2) The Judge in charge of the grand jury will order the files in those cases delivered to him or her prior to accepting any indictments.

(3) In cases in which a bond after indictment is set in an amount different from a pending bond or on conditions differing from a pending bond, the Judge in charge of the grand jury will order a *capias* to issue for the arrest of the defendant.

(4) In cases in which a bond after indictment is set for the same amount on the same conditions, as a pending bond,

no capias will be issued and the pending bond will be ordered to remain in effect. The criminal docket clerk will be directed to notify the defendant, his attorney and the surety of the indictment and set the case on the arraignment docket.

(5) In cases in which a defendant is confined, the Judge in charge of the grand jury will direct that a copy of the indictment be delivered to the St. Louis County Department of Justice Services together with an order committing the defendant on the indictment.

(6) In cases in which a defendant has been charged by a pending indictment and re-indicted for charges arising from the same occurrence, the Prosecuting Attorney will furnish the Judge in charge of the grand jury, at the time the new indictment is signed, a Court memorandum dismissing the original indictment and no capias will be issued. The criminal docket clerk shall notify the defendant's attorney and the surety of the new indictment and set the case on the arraignment docket.

67.4 ATTORNEYS

See rule 21, supra.

67.5 ARRAIGNMENTS

In those cases in which a defendant is indicted or is bound over for trial after preliminary hearing or after waiver of preliminary hearing, the Docket Clerk shall then ask counsel for the defendant whether the defendant will waive formal arraignment and plead not guilty. If so, the Docket Clerk shall ask counsel and defendant to sign and leave a memorandum waiving arraignment and entering a plea of not guilty. The Docket Clerk shall file that memorandum and present it to the Presiding Judge for review after the filing of an Information by the State.

67.5.1 IN GENERAL

An arraignment docket for criminal cases filed in the Office of the Circuit Clerk will be called at the place and time directed by the Presiding Judge.

67.5.2 DATES

[No local rule]

67.6 DISCOVERY

(1) Motions for psychiatric examinations in criminal cases shall be filed with the Judge to whom the case is assigned within twenty (20) days after the defendant's arraignment. Motions requiring a hearing will be docketed by the division clerk.

67.7 MOTIONS FOR POST-CONVICTION RELIEF

Motions for post-conviction relief from the judgment and sentence of the court shall be assigned to the Judge who heard the original case, or, in the event that the Judge who heard the original case is not sitting as a Judge in this or another Circuit, to the Judge sitting in the division in which the original case was heard.

67.8 PLEA BARGAINING

[No local rule]

67.9 GUILTY PLEA

67.9.1 WHERE ENTERED

Pleas of guilty shall only be entered before the Judge to whom the case is assigned or the designee of the Judge to whom the case is assigned.

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

[No local rule]

67.10 CALENDAR

See Rule 36.4, supra.

67.11 PROBATION AND PAROLE

[No local rule]

67.12 SEARCH WARRANTS

(1) Applications for search warrants filed pursuant to Chapter 542 shall be presented in the first instance to the Judge presiding in the Duty Division.

(2) If the Judge presiding in the Duty Division is absent or unavailable, applications may be presented to any other Judge.

(3) Any verified application and affidavits in support thereof for a search warrant may be filed by, and any search warrant may be issued by, facsimile transmission or other electronic means. The oath or affirmation may be administered by the Judge using interactive video technology.

(4) A verified application for search warrant and affidavit in support thereof filed by facsimile transmission or other electronic means shall have the same effect as the filing of an original document. A search warrant issued by facsimile transmission or other electronic means shall have the same effect as the filing of an original document. An oath or affirmation administered using interactive video technology shall have the same effect as if the oath or affirmation was administered in person by the Judge. The affiant police officer and prosecuting attorney may sign the application and affidavit by electronic means or facsimile signature, and the judge may sign the search warrant by facsimile and/or electronic signature.

Said signatures shall have the same effect as an original signature.

(5) The officer filing an application for search warrant and affidavit in support thereof by any electronic means shall retain or maintain an original of the application and affidavit. The officer who executes the search warrant shall file the inventory return electronically, or shall file the original Inventory Return, with the Circuit Clerk of St. Louis County.

(6) All applications for the issuance of a search warrant after regular business hours, on weekends, and on court holidays, shall be submitted to the court electronically pursuant to the policies and procedures established by the court. An application for a search warrant may be requested and issued by non-electronic means in exigent circumstances, and in those instances when there is a malfunction of the electronic system.

(7) Search warrants issued, all applications therefor, and any supporting affidavit or affidavits shall be confidential records, until the return is made on the warrant or until the warrant expires, whichever is earlier, and shall not be made available to any other person except upon written order of the Judge issuing the search warrant or of the Presiding Judge.

(8) After the return is made on a search warrant or after the warrant expires, whichever is earlier, the search warrant and the application therefor, along with any supporting affidavit or affidavits accompanying the applications shall be available for inspection as are records of the court generally, provided that upon application of a party for good cause shown, the Presiding Judge may order that the warrant, application, and any affidavits remain confidential during the pendency of an ongoing investigation to which these documents relate.

(9) Records made confidential by order of the Presiding Judge pursuant to subsection (8) shall not be made available to any person except upon written order of the Presiding Judge.

September 11, 2019

67.13

**TRANSFER OF SUPERVISION OF
PROBATION**

Any criminal case under probation supervision may be transferred from one judge to another upon the written consent of both judges. If a judge is ill, disabled or otherwise unavailable, the transfer of probation may be made upon the order of the presiding judge and upon written consent of the judge to whom the case is assigned.