

**STATE OF LOUISIANA
FIFTH JUDICIAL DISTRICT COURT
PARISHES OF FRANKLIN, RICHLAND AND WEST CARROLL**

In re:

**PROCEEDINGS IN CRIMINAL
CASES CONDUCTED BY PHONE
OR AUDIO-VISUAL MEANS**

EN BANC ORDER

This General Order is being issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in Louisiana, and throughout the United States. In light of Governor Edwards' declaration of a public health emergency and his executive order concerning public gatherings, as well as guidance from the Louisiana Supreme Court, including the Louisiana Supreme Court's Order dated March 16, 2020, the Fifth Judicial District Court, in and for the Parishes of Franklin, Richland and West Carroll, issued an order dated March 18, 2020. The purpose of said Order is to address this public health crisis in a way that protects the health and safety of the public and of everyone at our Court facilities, while at the same time, to the extent possible, maintaining access to the Court

The undersigned judges further authorize the use of audio-visual equipment for initial appearances (also known as 72-hour hearings), arraignments and other proceedings provided by law in Franklin, Richland and West Carroll Parishes.

Given the exigent nature of the present circumstances as stated above, recognizing the necessity to minimize transport of incarcerated criminal defendants, and being mindful of the need for criminal defendants to appear before the Court as soon as can practicably be done, the undersigned judges of the Fifth Judicial District Court, in and for the Parishes of Franklin, Richland and West Carroll, issue the following Order:

IT IS HEREBY ORDERED that the Court authorizes, to the fullest extent allowed by law, the appearance of incarcerated criminal defendants by telephone or audio-visual electronic equipment in court proceeding on the record, cognizant of the law permitting such appearances for the following:

- (a) initial appearances (also known as 72-hour hearings) and initial setting of bail (C.Cr.P. art. 230.1 and C.Cr.P. art. 522);
- (b) arraignments (C.Cr.P. art. 551);
- (c) any pretrial motion or hearing on pretrial motions (C.Cr.P. art. 522);
- (d) pleas of guilty (including those requiring Boykin hearings), with the defendant's consent (C.Cr.P. art 553 and C.Cr.P. art. 562);
- (e) any probation revocation hearing, including any hearing for a contempt of court (C.Cr.P. art. 562);

- (f) any post-conviction proceeding (C.Cr.P. art. 930.9);
- (g) any juvenile proceeding to the extent allowed by law; and
- (h) any other proceeding where specifically allowed by the Code of Criminal Procedure relative to telephone or simultaneous audio-visual transmission.

In addition, if the defendant is represented by an attorney during the proceeding in which a telephone or simultaneous audio-visual transmission system is used, the attorney may be present through telephone or audio-visual transmission at his or her office or home. This is a modification of the provision in paragraph (C) of C.Cr.P. art. 562 and is necessary to protect the health and safety of all parties in the criminal justice system during this time of COVID-19 while also continuing to maintain access to the court.

When the COVID-19 crisis is no longer, this district will follow all provisions stated in C.Cr.P. art 562 including but not limited to paragraph (C).

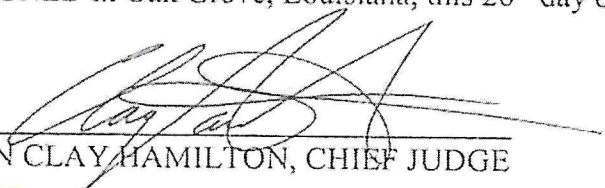
IT IS FURTHER ORDERED that the provisions herein apply to Franklin, Richland and West Carroll Parishes to the extent technology is in place to support these provisions.

IT IS FURTHER ORDERED that the provisions herein are effective immediately, given the exigent circumstances, and this Court will formally amend its Appendices to the Louisiana District Court Rules at a later date as soon as can practicably be done.

IT IS FURTHER ORDERED that except as otherwise provided herein, the previous Orders of this Court concerning COVID-19 shall remain in full force and effect.

IT IS SO ORDERED.

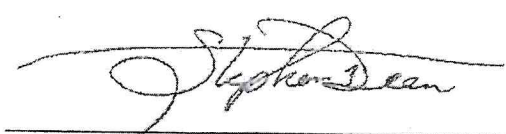
THUS, DONE AND SIGNED in Oak Grove, Louisiana, this 26th day of March, 2020.



JOHN CLAY HAMILTON, CHIEF JUDGE



JUDGE WILL RHYMES BARHAM



JUDGE STEPHEN G. DEAN