

30.1 ASSIGNMENT OF CRIMINAL CASES TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS

(A) ELIGIBILITY FOR MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES (MHDD) DOCKET

Defendants with a confirmed severe mental illness with a psychotic feature or developmental disabilities, as determined by the Court's guidelines set forth in the Appendix C hereto are to be assigned to an MHDD docket.

(B) APPOINTMENT OF JUDGES TO PRESIDE OVER MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS

The Administrative Judge will select the chairperson and members for the MHDD docket. The judges will serve for a period of three years from the date of assignment. Upon approval of the Administrative Judge, the judges may be reappointed to successive terms.

(C) ASSIGNMENT OF CASES TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS

(1) At arraignment, except as otherwise provided for in paragraph (D) of this rule, there will be a random assignment of identified of identified MHDD defendants to MHDD judges.

(2) Transfer of cases to MHDD Dockets Post Arraignment

(a) In cases where it is determined after assignment to a non-MHDD judge that the defendant qualifies for the MHDD docket, the assigned judge may apply to the Administrative Judge for transfer of the case to the MHDD docket. Upon approval for transfer, the MHDD judge will be assigned randomly. The MHDD judge receiving the case will be exempted from receiving one new case for assignment from the regular arraignment room draw for each case transferred.

(b) Once a Common Pleas Court has been formally notified of a defendant's MHDD docket eligibility, no transfer of defendant's case will be permitted after 30 days from the formal notification and it must be prior to any plea. Eligible defendants may also be transferred following sentencing to a community control sanction.

(c) In cases involving multiple defendants, if one or more of the defendants, but not all, are determined to be eligible for the MHDD docket, the transfer of those eligible defendants may only occur following sentencing to a community control sanction.

(d) In cases where it is determined after assignment to a non-MHDD judge, that the defendant qualifies for the MHDD docket and has been opined Incompetent To Stand Trial but Restorable or in need of a 20-day evaluation, the non-MHDD judge shall first issue an order for restoration/20-day evaluation and thereafter, may apply for transfer of the case as set forth in (a) above.

(e) In cases where a defendant has been found incompetent to stand trial, unrestorable (ISTU) or not guilty by reason of insanity (NGRI), a Court may apply to transfer the case only after it has been concluded and is subject to the continuing jurisdiction of the Court.

Cuyahoga County Common Pleas Court Local Rules

(D) CASES WILL NOT BE ASSIGNED TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES DOCKETS WHEN:

- (1) A defendant is charged with a new offense while on probation or community control. The case shall then be assigned to the docket of the judge with such prior case.
- (2) A defendant has a pending case. The case shall then be assigned to the docket of the judge with the pending case.
- (3) A defendant has co-defendant(s) with a prior pending case. The case shall be assigned to the docket of the judge who was assigned the pending case. If two or more defendants have pending cases, the case shall be assigned to the docket of the judge with the lowest numbered case.
- (4) A defendant has co-defendants where one co-defendant has a pending case and the other defendant has a community control case. The case shall then be assigned to the docket of the judge with the pending case.
- (5) A defendant has co-defendant(s) where no co-defendant has a pending case but a co-defendant(s) is on community control, then all defendants shall be assigned to the docket of the judge who has a co-defendant on community control. Where there is more than one co-defendant on community control, the case shall be assigned to the docket of the judge with the lowest numbered case.

Passed by emergency vote and effective: 03/15/2017