

RULE CR 1. Orders of Release

A. Orders of Release - Criminal Bond Index

A Preset Bond Schedule has been prepared and will be periodically reviewed under the direction of the Presiding Judge. This listing of bonds shall be for the purpose of expediting releases from the Tulsa County Jail and as a guide for judges to follow in order to provide consistency in bond settings. It shall not, however, affect the discretion of a Judge initially to set a higher or lower bond without a hearing or to raise or lower the bond initially set in a case, provided a proper hearing is held with all parties present.

The bond amount for Fugitive From Justice charges shall be taken from the bond reflected on the fugitive warrant. If no bond is shown on the fugitive warrant, the bond shall be set according to the Tulsa County Preset Bond Schedule.

B. Initial Arraignment Court Dates

When a defendant is booked into the Tulsa County Jail/David L. Moss Criminal Justice Center, a probable cause determination will be made as soon as is reasonably feasible, but in no event later than 48 hours after arrest. The initial appearance before a Magistrate for arraignment shall be as soon as is reasonably feasible, but in no event later than six (6) days from the date of booking.

Dates for return after the initial arraignment is held shall be determined by the Arraignment Judges.

In determining the initial arraignment court dates, the first (or current) day shall be excluded and the last day shall be included. Days on which the Courthouse will be closed for business should be counted when figuring the time. If the court date falls on a day the Courthouse is scheduled to be closed, the date should be set for the next day the Courthouse is scheduled to be open.

Defendants booked into custody on any charge shall be scheduled for the next available arraignment before a Magistrate for bond setting. If the defendant's arrest occurs after regular hours and just before a weekend or a day on which the Courthouse will be closed, the defendant's bond setting shall be referred to the Magistrate who has been assigned to the Judicial Reviews of Affidavits of Arrest on those days. The Magistrate shall set bail for the defendant and shall set the initial arraignment six (6) days away.

C. Orders of Release - Tulsa County Pretrial Release Program

Qualifying defendants may be released on their own recognizance through the Tulsa County Pretrial Release Program subject to the Court's approval.

D. Failure to Appear or Pay

No person being held for failure to appear will be released from the City-County Jail without approval of a Judge or posting an appearance bond. No person shall be released in the case of failure to pay without approval of a Judge, payment in full, or under the authority granted the Tulsa County Court Cost Administration as set out in the Tulsa County Cost Administration consensus, effective August 1, 1995.

Under the authority of 22 O.S. §1105 effective April 6, 2004, the Order of Release of any prisoner in the Tulsa County Jail may be issued by the Sheriff of Tulsa County or the Court Clerk of Tulsa County subject to the following conditions:

1. The terms "Court Clerk" and "Sheriff" shall include their authorized deputies.
2. The Court Clerk on the verbal or written order of a Judge shall immediately execute an Order of Release and promptly deliver it to the Tulsa County Sheriff who shall without undue delay release the person from custody according to the terms contained in the Order of Release.
3. The Sheriff on the verbal or written order of a Judge shall immediately issue an Order of Release and promptly release the person from custody.

The Sheriff shall issue an Order of Release under the conditions set forth above and also shall take immediate action to effect the release of the person detained upon receipt of the Order of Release.

4. The Order of Release shall contain the following information:
 - a. that it is in the District Court of Tulsa County, Oklahoma
 - b. the defendant's name
 - c. case number(s), if any,
 - d. other information which may be readily available to the officer or deputy executing it, and
 - e. sufficient information to give the Sheriff unmistakable knowledge and direction as to the intended disposition of each case and/or counts within a case.
5. When a good and sufficient bond is posted by or on behalf of a person in custody in an amount approved by a Judge, the Court Clerk or the Sheriff is authorized and ordered to execute an Order of Release to the Sheriff of Tulsa County.

RULE CR 2. Pre-established Bail and Initial Appearance

Per the authority vested upon the District Court of Tulsa County, State of Oklahoma; and in accordance with the jurisdiction granted by the Oklahoma Legislature over certain misdemeanor and felony criminal matters by 22 O.S. § 1105; in accordance with the applicable Oklahoma District Court Rules regarding criminal procedure; and all other applicable rules and/or policies adopted by the District Court of Tulsa County, State of Oklahoma, established by 20 O.S. §23, the Court hereby issues the following Rule regarding a pre-established schedule for bail pursuant to 22 O.S. § 1105.2 and for the initial appearance for persons arrested for certain misdemeanor and felony statutory criminal charges.

I. Rights of bail for persons accused of statutory criminal offenses.

The United States Supreme Court has established the accused is not entitled to bail as a constitutional right. See *U.S. v. Salerno*, 481 US 739, 754, 107 S. Ct. 2095, 95 L.E.2d 697 (1987) (citing the original source for Eighth Amendment in English Bill of Rights, the majority finds the very language of the Amendment “fails to say all arrests *must* be bailable” [emphasis added]). The accused is protected by both Article II, Sections 8 & 9 of the Constitution of The State of Oklahoma (1988 and 1907) with regard to excessive bail, and the Eighth Amendment, as applied to the States by virtue of the Fourteenth Amendment of the United States Constitution.

The foremost consideration when fixing bail is the probability that the accused, if free, will appear at trial, and the conditions of release are within the sole discretion of the trial court and will not be overturned absent a clear abuse of discretion. *Bowman v. State*, 1978 OK CR 115, 585 P.2d 1373, *cert. denied* 440 U.S. 920 (1979). Some of the other factors considered when establishing bail include the seriousness of the crime charged against the defendant, his or her reputation and his or her financial condition. See *Brill v. Gurich*, 1998 OK CR 49, 965 P.2d 404; Rule CR 10.5

of the Local Rules of Tulsa County District Court (2003); Rule 1.14, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2003).

In accordance with 22 O.S. § 1101, the trial court may only deny bail upon the appropriate findings. See *Brill v. Gurich*, 1998 OK CR 49, 965 P.2d 404 and Art. II, Sec. 8 of the Oklahoma Constitution. The Oklahoma Court of Criminal Appeals has noted that “[b]ail is not to be deemed excessive simply because the particular person charged cannot give the bail required.” *Ex Parte McClellan*, 1908 OK CR 29, 97 P. 1019, 1020.

Pursuant to 22 O.S. §§ 1105 and 1105.2 and Rule 1 of the Local Rules of the Tulsa County District Court, the District Court of Tulsa County, State of Oklahoma, for certain offenses hereby adopts and affirms the written and established bail schedule found in Appendix A to these Rules. The provisions of said Appendix are hereby incorporated by reference to this Rule as if fully set forth herein.

Any party, defendant, accused, or other person required or permitted by law to give or post bail as surety or security in a criminal matter may discharge this requirement by cash, surety, property, or personal recognizance depending upon the conditions of release set forth in the bail schedule.

The purpose of the bail schedule is to permit the posting of bail without a delay associated with the "First Appearance" within 48 hours of being confined to the David L. Moss Criminal Justice Center, as mandated by 20 O.S. § 55. It is the opinion of the Court that the employ of such a schedule, as authorized by state law, “provides speedy and convenient release for those who have no difficulty in meeting its requirements[.]” *Pugh v. Rainwater*, 572 F.2d 1053, 1057 (5th Cir. 1978).

In particular, this schedule, authorized by 22 O.S. § 1105, shall apply to certain arrests without warrants as permitted by 22 O.S. § 196, or other applicable code. For offenses not listed on the schedule, conditions of release may only be determined after the individualized hearing described below.

II. Scheduling of "First Appearance" for individuals not otherwise capable

of posting bail pursuant to the schedule established in accordance with 22 O.S. § 1105

For those individuals who do not obtain release pursuant to the pre-set bail schedule as outlined above, within forty-eight (48) hours from their arrest, they shall then be brought before the Court for a "first appearance" in accordance with 20 O.S. § 55. In addition to those obligations established by this Rule, the accused shall be represented by court appointed counsel, if he or she does not have retained counsel for this hearing, for the limited purpose of determining the appropriate conditions of release. At this time the accused will be given the opportunity to object to the bail amount/conditions of release set for him or her.

The staff of the David L. Moss Criminal Justice Center shall inform the Tulsa County Court staff of any such accused in a timely fashion and shall additionally facilitate his/her appearance via video transmission or teleconference at a time to be set by the Court.

To the extent an accused is claiming to be indigent and not just unable to meet the conditions of release pursuant to the pre-set bail schedule, the Court in exercising its discretion in setting the conditions of release as allowed by law may consider various factors, including but not limited to the seriousness of the charge and criminal and appearance history.

To the extent an accused is claiming to be indigent and the charge is not on the pre-set bail schedule, the Court in exercising its discretion in setting the condition of release as allowed by law may consider various factors including but not limited to the seriousness of the charge and criminal and appearance history.

RULE CR 3. Assignment of Felony Cases

Assignment of felony cases shall be made by random computer function.

1. On the first working day of each year, the Presiding Judge or designee shall prepare a list giving each felony trial judge an assigned number. The assignment number shall be randomly selected and revealed only to the Assignment Judge calling the arraignment docket. A control copy will be retained by the Presiding Judge.

2. Before a felony arraignment, the Minute Clerk shall have the Court file with assignment number stamped on it for presentation to the arraignment Judge. When a felony case is called for initial arraignment, the arraignment Judge shall announce in open Court the name of the assigned Judge matching the assignment number on the Court file and place that name on the court file. The Minute Clerk shall include the name of the assigned Judge in the arraignment minute. The Court Clerk shall enter the name of the assigned Judge on the appearance docket and computer records.

RULE CR 4. Consolidation of Felony Cases

If there is more than one pending felony case against a defendant, the Arraignment Judge shall assign any subsequent felony cases to the District Judge with the lowest pending felony case number. If a subsequent felony case charges multiple defendants, one or more of whom have pending felony cases, the subsequent felony case shall be assigned randomly.

The Clerk shall prepare an Order of Reassignment to be signed by the directing Judge for each case reassigned in this manner. The Order of Reassignment is to be filed in its respective case with a copy provided to the District Judge to whom the case was reassigned.

For purposes of this rule, the term 'pending felony case' is defined as:

1. a felony offense with an undisposed felony arrest warrant;
2. a felony offense with an undisposed felony bench warrant for failure to appear;
3. a felony offense with a suspended or deferred sentence which has not expired;
4. a felony offense with a future pending court date.

The term 'pending felony case' shall not refer to any pending misdemeanor offense (even if that offense bears a felony case number) unless the offense was disposed of by a District Judge.

The term 'pending felony case' shall not refer to any pending court cost proceeding in a previously numbered felony matter.

RULE CR 5. Reassignment of Felony Cases

If a Judge recuses or is disqualified or a case needs to be reassigned for any reason not set out in these rules, the case shall be referred to the Presiding Judge for reassignment or other action in conformity with the laws of the State of Oklahoma. A Judge shall be assigned one case for each case transferred by that Judge. A case which is dismissed and refiled should be assigned to the original Judge.

A separate record of all reassignments shall be furnished to the Court Clerk who shall show the name of the reassigned Judge on the court file, the appearance docket, and computer records. A copy of each reassignment shall be furnished to each Judge affected by it.

RULE CR 6. Preliminary Hearings

A. The Preliminary Magistrate calling this docket shall assign the cases ready for hearing to the other Preliminary Judges.

B. Requests to pass Preliminary Hearings by either party will be granted only for good cause shown. This provision will be strictly construed by the Criminal Division Special Judges.

C. If a defendant is ordered to stand trial, the Judge shall direct the defendant and his/her counsel when to appear before the assigned Trial Judge for the trial arraignment.

RULE CR 7. Appeal from Magistrate

All applications to appeal from an adverse ruling or order of a Magistrate shall be handled in accordance with 22 O.S. § 1089.1 et seq.

RULE CR 8. Trial Arraignments

A. Trial arraignments shall be held on the day and time set by each Judge.

B. Counsel shall be prepared at the time of trial arraignment to assist the Court in setting a trial date to avoid conflicts with counsel's prior commitments.

C. Requests for continuance to secure transcripts of preliminary hearings shall be accompanied by the appropriate Court Reporter's Certificate estimating time of completion.

Upon full payment of the estimated cost of the transcript, the Court Reporter shall furnish to counsel a Certificate stating the transcript's earliest available date, not to exceed 18 days. If the transcript's length dictates a completion time greater than 18 days, the Court Reporter shall arrange personally with the Trial Judge for a longer completion time.

RULE CR 9. Presentation of Orders in Felony Cases

Every case shall continue to be handled by the assigned District Judge, and all orders should be presented to that Judge.

If the assigned District Judge is unavailable, and there is no specially assigned Judge presiding in his/her place, then the Chief Judge-Criminal may enter any order in a case pending before the assigned Judge; however, entering such an order does not cause a transfer of the case from one Judge to another.

Updated 10/30/2008

SUPPLEMENT TO RULES OF THE DISTRICT COURT OF TULSA COUNTY

RULE CR 10. Conflict of Interest-Reassignment of Case

1. If the Court determines that conflict of interest exists at the trial level between a defendant and a County Indigent Defender, the case may be reassigned by the assigned District Judge or Special Judge to a private attorney who represents indigents pursuant to contract or a private attorney who has agreed to accept such appointments. The assigned attorney will indicate his acceptance of the assignment by executing the judge's written order.

In addition, in every case where the defendant is subject to the death penalty and a conflict of interest exists at the trial level between the defendant and the County Indigent Defender, the assigned District Judge may appoint the Indigent Defense System to represent the defendant or may appoint a private attorney who represents indigents pursuant to contract or a private attorney who has agreed to accept such appointments. However, in every case where more than one defendant is subject to the death penalty and a conflict of interest exists at the trial level between one or more of the defendants who are subject to the death penalty and the County Indigent defender, the assigned District Judge may appoint the Indigent Defense System to represent not more than one of the defendants in the case and may appoint a private attorney who represents indigents pursuant to contract or a private attorney who has agreed to accept such appointments to any other defendant(s) in the case. The appointment of private attorneys in capital cases shall be in accordance with the Tulsa County Plan for Appointment of Conflict Defense Counsel.

2. Total compensation shall not exceed one thousand dollars (\$1,000) in the following cases:

- a. mental health cases
- b. grand jury cases
- c. traffic cases
- d. misdemeanor cases
- e. guardianship cases
- f. contempt proceedings
- g. felony cases, except murder cases.

3. Total compensation shall not exceed three thousand dollars (\$3,000) in non-capital murder cases.

4. Total compensation for lead counsel shall not exceed twenty thousand dollars (\$20,000) in capital cases. Total compensation for co-counsel shall not exceed five thousand dollars (\$5,000) in capital cases.
5. In all cases described above, the hourly is \$60 for time out of court and \$80 for time in court.
6. An attorney's fee and expenses in excess of the above amounts may be compensated upon application to and approval by the Trial Judge upon good cause shown, subject to the approval of the Presiding Judge. In capital murder cases, the maximum fee may be exceeded only upon written approval of the Presiding Judge and a finding that the request for extraordinary fees is reasonable.
7. Any attorney providing services pursuant to this rule shall continue to provide representation until the trial court loses jurisdiction, unless the court allows an attorney to withdraw upon proper written application.
8. When the trial court loses jurisdiction, an attorney providing services pursuant to this rule shall submit a written application for compensation which an affidavit detailing the hours spent on the case and the services rendered. The application shall also state if any amount awarded by the court shall be the sole source of compensation for the services provided. If other sources of compensation are used, the other sources and amounts shall be specified in the application.

RULE CR 10.5 Failure to Retain Counsel - Assessment for Appointment of Counsel

When a defendant appears without counsel, the Court shall advise the defendant concerning his/her 6th Amendment right to counsel. The Court shall then determine if the defendant wishes to waive his/her right to counsel. If the defendant does not wish to waive his/her right to counsel, the Court shall determine the defendant's indigency status, under oath, by Pauper's Affidavit and/or oral examination, pursuant to the procedures and applying the standards established by 20 O.S. § 55 and Ct.Crim.App.Rule 1.14. The ability to make bond may be considered as a factor by the Court in determining indigency but shall not be the sole determining factor. All District and Special Judges are authorized to determine the indigency status of all persons who appear before them. (Ct.Crim.App.Rule 1.14) If the defendant is indigent, the Court will appoint counsel. When a defendant does not qualify as an indigent, the Court shall pass the defendant's case(s) for a reasonably sufficient time to allow the defendant to retain counsel. Before excusing the defendant, the Court shall give clear warning that causing further delay by willfully appearing without counsel is impermissible and may be punished as contempt. Bond shall not be revoked or raised because the defendant has failed to retain counsel.

If the defendant returns without counsel, his/her indigency status has not changed, the defendant does not wish to waive his/her right to counsel, and the parties involved are at an impasse, the Court shall inform the defendant of the Court's intention to institute direct contempt proceedings. Before imposing punishment, the Court shall give the defendant notice of the contempt charge, place the defendant in custody, set bond and set a date for a show cause hearing to give the defendant a summary opportunity to adduce evidence and/or argument relevant to guilt and/or punishment. At the discretion of the Court, the defendant may be advised that if an attorney is obtained for the criminal case prior to the hearing, the contempt charge will be dismissed. If the defendant is found in contempt, he/she may be punished with up to a \$500 fine and/or up to six months in the county jail. 21 O.S. § 566(A). At the discretion of the Court, the defendant may be advised that the balance of the jail term and/or the imposed fine will be suspended upon retention of counsel.

At the conclusion of every case where the county indigent defender or a conflict indigent defender has been appointed, the Court shall consider whether an assessment should be paid by the defendant for the representation pursuant to 19 O.S. § 138.10.

RULE CR 11. Withdrawal of Counsel

No withdrawal of counsel will be allowed between arraignment and preliminary hearing unless for good cause shown in writing submitted no later than twenty (20) days before preliminary hearing. The application should include the information outlined in CV 27.

No application to withdraw as counsel for a defendant will be considered unless presented to the Court at least ten (10) days before the date on which the case is set for trial.

RULE CR 12. Notification of Entry of Appearance of Private Counsel

If counsel accepts employment to represent a client who is or was represented by another attorney, including the County Indigent Defender's Office, written notice of such entry of appearance shall be given immediately to the Court, the Court Clerk and the other attorney.

RULE CR 13. Compensation - Expert Witnesses

When an indigent defendant charged with a criminal offense demonstrates to the trial judge that his/her sanity at the same time of the offense is to be a significant factor at trial and/or that the defendant will be prejudiced by a lack of expert assistance, the trial court shall authorize counsel to obtain expert service reasonably necessary to permit the indigent defendant to adequately prepare and present his/her defense at trial. [Ake v. Oklahoma, 105 S. Ct. 1087 (1985) and Rogers v. State, 890 P.2d 959 (Okl. Cr. 1995)].

Application for any expert or investigator needed for a criminal defense must be filed timely before the trial court. After an ex parte hearing on the record, the appointment may be conditionally approved. The order approving the appointment shall define and limit the task or assistance to be provided and the basis for determining that such assistance is required by the 6th Amendment.

The order will be presented to the Presiding Judge for final approval with a contract or agreement with the expert or investigator delineating the work to be performed, an estimate of the total cost, a schedule for completion and an hourly fee for both in and out-of-court time. The Presiding Judge will deny the appointment or approve the appointment with dollar or other limitations.

In the event that the approved assistance may exceed the defined limits, counsel must reapply to the Presiding Judge for additional compensation or assistance.

All orders approving or denying will be filed but may be sealed upon request of counsel.

In the event that the request is for assistance regarding competency or examinations required by 10 O.S. §7306 et seq. and the expert is a state employee or contracted by the court to do the requested examination, only an application to the trial court is required.

Compensation for appointed experts shall be made only after services are provided.

When the trial court loses jurisdiction, an application for compensation must include an itemized statement of the services provided and shall be accompanied by an affidavit of the expert who provided the services stating whether the amount awarded by the trial court shall be the sole source of compensation. If other sources of compensation are used, the other sources of compensation and amounts shall be specified in the application.

RULE CR 14. Writs Ad Prosequendam/Ad Testificandum

1. Counsel or party making application for a writ to secure the presence of a prisoner at a criminal hearing must serve a copy of the application by mail on the custodian of the prisoner, the Sheriff of Tulsa County, and the District Attorney of Tulsa County. If the custodian is a warden/superintendent of a state correctional facility, a copy must also be mailed to the General Counsel of the Department of Corrections.
2. Counsel or party making application shall deliver a copy of the application to the assigned judge, have the application set on the docket and scheduled for a hearing.
3. Counsel or party making application shall notify all parties of the specific hearing date.
4. No writ shall issue without notice and a hearing unless waived by the custodian and the District Attorney. Counsel for the custodian may respond to the application by written motion and brief with a request for the court to rule on the application in accordance with Rule 4(h) of the Oklahoma Rules for District Courts.
5. The application shall be styled the same as the criminal case at issue.
6. The hearing will be scheduled not less than 10 working days before the date of the hearing at which the presence of the prisoner is requested, unless the prisoner is in the Tulsa City-County Jail System, in which event, the Court may shorten the time.
7. Reference 22 O.S. § 1151.

RULE CR 15. Acceleration and Revocation Procedures

Where a criminal charge is filed against a person who is presently on a deferred or suspended sentence, the District Attorney's Office will make every effort to see that an application and order to accelerate or revoke is filed against the defendant at the same time the subsequent charge is filed.

At the time an arrest warrant is prepared on the subsequent criminal charge, a bench warrant will also be prepared on the application and order to accelerate or revoke. Thus, when the defendant is apprehended and arraigned on the subsequent criminal charge, he/she may also be notified of the acceleration or revocation proceeding brought against him/her.

Before filing the application, the District Attorney's office will present it to the sentencing Judge to apprise the Judge of the allegations against the defendant and will request the Judge to issue a bench warrant for the defendant's apprehension. When a bench warrant is issued, it shall be delivered to the Sheriff's office for execution of the warrant and a copy of the application and order to accelerate or revoke shall be filed in the original case.

When apprehended on a bench warrant, the defendant should be taken to the Tulsa County Jail and held there for appearance before the Judge issuing the warrant. After the defendant is incarcerated, the jail personnel should notify the District Attorney's Office that the defendant is in custody and should state when the defendant is to be taken before the Judge issuing the warrant for the hearing.

When brought before the Judge to set the hearing, the defendant shall be served with a copy of the application and order to accelerate or revoke and shall be advised of the following:

- 1 That an application to accelerate judgment and sentence or revoke suspended sentence has been filed against the defendant alleging that he/she has violated the rules and conditions of his/her probation;
- 2 That the defendant has a right to have a hearing within twenty days;
- 3 That at the hearing, the defendant has a right to be confronted by the witnesses against him/her, that the defendant or defendant's attorney may cross-examine these witnesses, and that the defendant may present testimonial and/or documentary evidence in his/her own behalf; and
- 4 That if the defendant cannot afford the services of an attorney, one will be appointed to represent him/her.

RULE CR 16. Expunge Orders

Unless otherwise specified by the Court, expungements will be granted only according to the provisions of 22 O.S. § 991C.

1. The order of probation and the Expunge Order on pleas of guilty (or nolo contendere) shall be removed from the case file and retained together with a copy of the docket sheet in a separate confidential file.
2. All reference to the defendant's plea of guilty (or nolo contendere) shall then be deleted from the docket sheet, leaving only the references to the dismissal of the case.
3. No information concerning the confidential files shall be revealed except upon a written order of a District or Associate District Judge.

Other cases ordered expunged according to the provisions of 22 O.S. §§18 and 19 shall be filed under the MI case designation and subject to civil fees and assessments and randomly assigned to the District and Associate District Judges with criminal dockets.

RULE CR 17. Indigent Defender - Report

Revoked 7/24/2008 CV-2008-18

RULE CR 18. Pretrial Evidentiary Motions

Motions requiring evidentiary hearings must be filed three weeks in advance of trial. Any exception to this rule will be at the discretion of the trial judge.

RULE TR 1. Dockets

A. The Special Judge assigned to the Traffic Docket shall call the docket according to the schedule set by the Presiding Judge and the assigned Traffic Judge(s).

No continuances will be granted by the Court except for good cause shown.

All in-custody pleas not ready for the docket when called will be passed to the next docket.

B. All cases in which the defendant enters a plea of not guilty at arraignment will be set on the daily disposition docket approximately three (3) weeks from the day of arraignment. At the calling of the daily disposition docket, the defendant will have the following alternatives:

- a. Enter a plea of guilty or nolo contendere, subject to the approval of the Court, and be sentenced immediately;
- b. Waive right to trial and have the case set for sentencing on a date certain; or
- c. Have the case set for trial on a date certain.

C. Where a bench warrant has been issued for a defendant because of his/her nonappearance, the defendant must thereafter post bond before release, and no attorney's affidavit will be accepted, except for good cause shown at the discretion of the Court. Bench warrants issued for failure to pay costs, fees, fines, etc., may be satisfied by payment of the obligation to the Court Clerk. In that event, the bench warrant may be recalled without incarceration of the defendant or the defendant may be released from custody without the necessity of being brought personally before the Court.

D. Pursuant to 22 O.S. §§ 1113 and 1115.1(A-D), a defendant released upon personal recognizance may enter a plea of guilty or nolo contendere to the Court Clerk at any time prior to the arraignment date, which is reflected on the citation.

The fines, including court costs, imposed upon a plea of guilty or nolo contendere entered before the Court Clerk shall be in accordance with the statutory Oklahoma Bond Schedule, as provided by the Administrative Office of the Courts, pursuant to 22 O.S. § 1115.3.

E. Any person violating the provisions of Chapters 10, 11, 12, 13, 14, or 16 of Title 47 of the Oklahoma Statutes, where a jail sentence is not mandatory, may in the discretion of the District Attorney and subject to the approval of the Court, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the Court.

F. Except as provided in paragraphs D and E above, all pleas of guilty must be made orally by the defendant before the Court.

RULE TR 2. Driver's License Appeals

All appeals regarding the suspension of a driver's license by the Department of Public Safety shall be assigned to the Special Judge assigned to the Traffic Court.

If there is an objection to the assigned Special Judge hearing an appeal, that Special Judge shall proceed as a Referee, and the case will be reassigned by the Presiding Judge, upon completion of the Referee's written findings and conclusions.