

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to Article VI, §28(c) of the State Constitution and section 211(1)(a) of the Judiciary Law, and upon consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals of the State of New York, I hereby promulgate, effective immediately, new Part 42 of the Rules of the Chief Judge, relating to establishment of Criminal Divisions of the Supreme Court, to read as follows:

PART 42. CRIMINAL DIVISION OF SUPREME COURT IN BRONX COUNTY

§42.1. Criminal Division of the Supreme Court in Bronx County.

(a) *The purpose of this rule is to promote the administration of justice in the criminal courts in Bronx County by authorizing deployment of the judges of those courts in a manner that assures that all present and future caseload demands in such county will be met as expeditiously and effectively as possible.*

(b) *The Chief Administrator of the Courts, following consultation with and agreement of the Presiding Justice of the First Judicial Department, may by administrative order establish a Criminal Division of the Supreme Court in Bronx County. As provided by rules of the Chief Administrator promulgated pursuant to subdivision (c) of this section, such Criminal Division, when established, shall be devoted to the hearing and determination of criminal cases commenced in or transferred to the courts sitting in Bronx County.*

(c) *The Chief Administrator shall promulgate rules to regulate operation of the Criminal Division of Supreme Court in Bronx County. Such rules may authorize the transfer to Supreme Court in such county, for disposition in the Criminal Division thereof, of some or all classes of cases pending in the Criminal Court of the City of New York in Bronx County in which at least one felony or misdemeanor is charged therein.*

AMENDMENT OF RULE

Rules of the Chief Administrator of the Courts

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby promulgate, effective immediately, new Part 142 of the Rules of the Chief Administrator of the Courts, relating to establishment and operation of Criminal Divisions of the Supreme Court, to read as follows:

PART 142. CRIMINAL DIVISION OF SUPREME COURT IN BRONX COUNTY

§142.1. Establishment of a Criminal Division of Supreme Court in Bronx County. The Chief Administrator of the Courts, following consultation with and agreement of the Presiding Justice of the First Judicial Department, may establish, by administrative order, a Criminal Division of Supreme Court in Bronx County and assign one

or more justices to preside therein. Subject to the further limitations prescribed in this part, such Criminal Division shall be devoted to the hearing and determination of all criminal cases commenced in or transferred to the courts sitting in Bronx County provided at least one felony or misdemeanor is charged.

§142.2. Transfer of criminal cases to the Criminal Division of Supreme Court. Where the Chief Administrator establishes a Criminal Division of Supreme Court in Bronx County pursuant to section 142.1 of this Part:

(a) *Each criminal case then pending or thereafter commenced in the Supreme Court in such county, and each criminal case thereafter transferred to Supreme Court in such county from Supreme Court in another county, shall be referred for disposition to such Criminal Division and further proceedings in such case shall be conducted in a part established therein.*

(b) *All criminal cases then pending or thereafter commenced in the Criminal Court of the City of New York in Bronx County in which at least one felony or misdemeanor is charged, shall, following arraignment, be transferred therefrom by the Administrative Judge for the Supreme Court in Bronx County to the Supreme Court in such county upon a finding that transfer of these cases would promote the administration of justice, and thereupon such cases shall be referred for disposition to such Criminal Division and farther proceedings in such cases shall be conducted in the parts established therein. Provided, however, that no criminal case may be transferred pursuant to this subdivision where such case is returnable in a summons part of the Criminal Court and no felonies or class A misdemeanors are charged therein.*

§142.3. Procedure upon transfer of a criminal case hereunder. Each case transferred from the Criminal Court of the City of New York to the Supreme Court and referred for disposition to the Criminal Division thereof pursuant to section 142.2 of this Part shall be subject to the same substantive and procedural law as would have applied to it had it not been transferred. An appeal taken from the trial court in such a case shall be taken to the same intermediate appellate court to which such appeal would have been taken had the case not been transferred hereunder.

