

## Setting Aside a Disposition

You should only set aside a disposition in the following instances:

### For Felony and Misdemeanor cases:

- When the case is remanded from an appellate court for further pre-judgment action or a new trial
- When a request to withdraw a plea is granted or when a judgment notwithstanding the verdict is entered, except when entered upon return of a jury verdict
- After receiving a report from the Department of Community Health regarding the competency of the defendant to stand trial
- When **local** diversion programs are unsuccessful and traditional processing is pursued
- When the prosecutor motions for dismissal after the case has been previously counted under inactive status
- When an order staying the case is set aside

### For Civil Infraction cases:

- When an order staying the case is set aside
- When a default is set aside
- When a request to set aside admission of responsibility is granted
- When appeal is filed from an informal hearing to a de novo hearing



Warning: If an error was made in disposing of a case, do not set aside the disposition to correct the error. Use the Removal screen (REM) to correct errors. See page 3-66 for more information on removing a disposition.

When a disposition is set aside, the following actions will occur:

- A text action is written to the Register of Actions (ROA): *Previous Disposition Set Aside/Caseload Reopened* or *Previous Disposition Set Aside*
- The disposition date and code are removed
- The sentence date and all non-monetary sentencing variables (e.g. jail, probation) are removed
- Removes an abstract request from the Report/Requests screen (RPT)
- Makes the penalty, default judgment and default judgment form eligible for civil infractions (unless previously stopped)
- Case status is updated
- Counts case as reopened on Caseload Report Part 1

Setting aside a disposition **will not**:

- Delete an abstract that has already been created
- Automatically make an abstract eligible
- Remove any monetary assessments



Tip: When setting aside multiple dispositions for a case, set aside all dispositions **before** entering new dispositions, if applicable. This will prevent a case from being counted multiple times as a reopened case.

## Removal Screen (REM)

The Removal screen is used to remove dispositional errors and non-dispositional data that are no longer relevant to a case.

To access the Removal screen, type **REM** and the **case number** on the hop line.

**JIS** T/C REMOVAL SCREEN Status **PROB**  
CASE 03-1113 PTY D01 NAME FOSTER/WALTER/MARK

"X" the fields below that are to be removed  
Press "ENTER" to process the removals

CASE: \_ Proceeding Judge 12345 \_ Prob Officer 110 \_ Arraign  
\_ Attorney 36363 \_ Prosecutor 36363  
\_ Set Aside Date \_ Warrant/Recall 16 2/06/2004

COUNT # <u>01</u> CUR CHG <u>OUIL</u>	ORG CHG <u>OUIL</u>	TOTAL COUNTS <u>05</u>
- Plea <u>1</u>	- Community Service <u>3</u> <u>D</u>	- Community Service in Lieu Of Jail
- DS Code <u>14</u> Defer <u>   </u>	- Veh Immob Start Date <u>10/20/2003</u>	- Veh Immob # of Days <u>30</u>
- Delayed	- Forfeiture	- Prob Term <u>24</u> <u>M</u>
- Fines & Costs Suspended	- Rehab <u>3</u>	- Revoke/Suspend
- Jail Days <u>10</u> <u>D</u>	- Days Suspended	- Days Restricted
- Optional Jail Days		
- Credit Jail Days <u>2</u>		
- Susp Jail <u>X</u>		
- Committed		
- Jail Loc <u>01</u>		

NXT     CASE 03-1113 PTY D01 COUNT 1 INQ D ST      
F1-Clr F24-Prev Page/Roll Help

### Removal screen

Case information and information for Count 1 is displayed first. You can display additional counts by using **Page/Roll** keys. If you are removing data for more than one count you must update each count separately.

To remove information from a case, type an **X** in front of the field(s) to be removed and press **ENTER**.

When data is successfully removed, a note will be made on the Register of Actions: *xxx Removed, e.g. Arraignment Date Removed.*

## Removing Disposition Code



Warning: A disposition should only be removed if an error was made in entering the disposition. See pages 3-49 and 3-50 for information on setting aside a disposition.

**It is recommended that when you remove a disposition code you also remove all associated sentencing variables.**

Removing a disposition **will**:

- delete the disposition date and code
- delete the deferral code, if applicable
- delete the sentencing date
- delete an abstract request from the Report Requests screen
- make the penalty, default judgment and default judgment form eligible for a civil infraction (unless they were previously stopped)
- flag the disposition as deleted in the Caseload file
- make a note on the Register of Actions: *xxx Removed, e.g. Plea Removed*
- update the case status

Removing a disposition **will not**:

- automatically make an abstract eligible to receive another one
- delete an abstract that has already been created
- remove any assessments or penalties



Remember: When you re-enter the Disposition you must re-enter correct sentencing variables.