

## **RULE 83.5**

### **ASSIGNMENT OF REMANDED CASES**

A case remanded from the First Circuit Court of Appeals for further proceedings shall be assigned as follows, unless the judge originally assigned finds that the interests of justice or the appearance of justice warrant assignment of the case to another judge, after giving due consideration to the rights and convenience of the parties, the conservation of litigant and judicial resources, and the fair and expeditious administration of justice:

(1) Further Proceedings. A case remanded for further proceedings following a vacation of any pretrial order or judgment shall be assigned to the judge who acted in the matter.

(2) Nonjury Trial. Unless the parties otherwise agree, a case remanded for a new nonjury trial shall be assigned to a judge other than the judge who conducted the earlier nonjury trial unless remand was predicated solely on errors of law.

(3) Jury Trial. A case remanded for a new jury trial shall be assigned to the judge who conducted the earlier jury trial.

(4) Resentencing. A case remanded for resentencing shall be assigned to the judge who imposed the vacated sentence.