

## SUPERIOR COURT RULES OF CRIMINAL PROCEDURE

### Rule 1. Scope; Criminal Division Branches; Tax Division; Sections.

(a) Scope. These Rules govern the procedure in the Superior Court of the District of Columbia, Criminal Division, and in all criminal proceedings in the Superior Court of the District of Columbia, Tax Division.

(b) Criminal Division Branches. The following Branches are established in the Criminal Division:

(1) The Felony Branch. (i) Prosecutions in the name of the United States for offenses which carry a maximum punishment of imprisonment exceeding 1 year and (ii) prosecution for other offenses which are joined with such prosecutions shall be conducted in the Felony Branch.

(2) The Misdemeanor Branch. (i) Prosecutions in the name of the United States for all other offenses and (ii) prosecutions in the name of the District of Columbia which are joined with such prosecutions shall be conducted in the Misdemeanor Branch.

(3) The District of Columbia-Traffic Branch. Prosecutions in the name of the District of Columbia, except those brought pursuant to the provisions of the statutes relating to taxes levied by or in behalf of the District of Columbia, shall be conducted in the District of Columbia-Traffic Branch.

(c) Tax Division. All proceedings brought by the District of Columbia for the imposition of criminal penalties pursuant to the provisions of the statutes relating to taxes levied by or in behalf of the District of Columbia shall be conducted in the Tax Division.

(d) Sections. The Chief Judge by order may create such Sections as may be necessary for the sound administration of justice.

### Rule 2. Purpose and construction.

These Rules are intended to provide for the just determination of every criminal proceeding in the Superior Court of the District of Columbia. They shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

### Rule 3. The complaint.

The complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon oath before a judge of the Superior Court or any employee of the Superior Court authorized by the Chief Judge to administer oaths.

**Rule 51. Exceptions unnecessary.**

Exceptions to rulings or orders of the Court are unnecessary and for all purposes for which an exception has heretofore been necessary it is sufficient that a party, at the time the ruling or order of the Court is made or sought, makes known to the Court the action which that party desires the Court to take or that party's objection to the action of the Court and the grounds therefor; but if a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice that party.

**Rule 52. Harmless error and plain error.**

(a) Harmless error. Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.

(b) Plain error. Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the Court.

**Rule 53. Free press -- Fair trial.**

(a) Disclosures by courthouse personnel. All courthouse supporting personnel, including among others, marshals, court clerks, law clerks, messengers and court reporters, shall not disclose to any person information relating to any pending criminal or civil proceeding that is not part of the public records of the Court without specific authorization of the Court, nor shall any such personnel discuss the merits or personalities involved in any such proceeding with any members of the public.

(b) Photographs, radio and television broadcasting, etc.

(1) In general. The taking of photographs, or radio or television broadcasting, or except with the approval of the Court the use of any mechanical recording device, shall not be permitted in any courtroom of this Court during the progress of judicial proceedings, or in any of the anterooms adjacent thereto, in any of the cellblocks, in the lobby, or in the corridors of the courthouse.

(2) Exception. The taking of photographs in any office or other room of the courthouse shall be only with the knowledge and consent of the official or person in charge of such office or room and of the person or persons photographed.

(c) Release of information by or opinions of counsel. Neither an attorney who has undertaken the representation of a defendant nor the prosecutor in a criminal case, whether the case is in progress or is imminent, shall release or authorize the release of information not in the public record for dissemination by any means of public communication which is likely to interfere with a fair trial or otherwise prejudice the due administration of justice. No statement by any such attorney may be so disseminated containing the attorney's opinion as to guilt or innocence, as to credibility of witnesses, as to motives of the other party, or as to similar matters bearing on the conduct of the litigation.

(d) Widely publicized or sensational cases. In a widely publicized or sensational criminal case, the Court on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused and of the government to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses and any other matters which the Court may deem appropriate in the administration of justice.

#### Rule 54. Application of terms.

As used in these Rules the term "state" does not include the District of Columbia. "Law" includes statutes and judicial decisions. "Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia. "Superior Court" means the Superior Court of the District of Columbia. "District Court" includes all District Courts in the United States, Guam, the Virgin Islands, and Puerto Rico. "Civil action" refers to a civil action in the Superior Court. "Oath" includes affirmations. "Attorney for the government" means the Attorney General, an authorized assistant of the Attorney General, a United States Attorney, and an authorized assistant of a United States Attorney. "Prosecutor" means the United States Attorney for the District of Columbia or an assistant United States Attorney for the District of Columbia, the Corporation Counsel of the District of Columbia or an assistant Corporation Counsel of the District of Columbia, or an attorney employed, and who has entered an appearance on behalf of the United States or the district of Columbia in a criminal case or in an investigation being conducted by a grand jury. "Law enforcement officer" means an officer or member of the Metropolitan Police Department of the District of Columbia or of any other police force operating in the District of Columbia, or an investigative officer or agent of the United States. "Investigative or law enforcement officer" means any officer of the United States or of the District of Columbia who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in subchapter III of Chapter 5 of D.C. Code Title 23, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses. The words "demurrer", "motion to quash", "plea in abatement", "plea in bar", and "special plea in bar", or words to the same effect, in any act of Congress shall be construed to mean the motion raising a defense or objection provided in Rule 12. The word "release" means any release secured under subchapter II of Chapter 13 of Title 23 of the D.C. Code. The word "detain", or any variation of such as "detained", means any detention under subchapter II of Chapter 13 of Title 23 of the D.C. Code. The word "district" means any federal judicial district other than the District of Columbia.

#### Rule 55. Records of the clerk.

(a) The clerk shall make entries in appropriate dockets and records of all papers and documents filed in the clerk's office and of all proceedings of the Court. The entry of an order or judgment shall show the date the entry is made.