

STATE OF RHODE ISLAND

DISTRICT COURT

ADMINISTRATIVE ORDER 2021-03 – CRIMINAL

EFFECTIVE JULY 1, 2021

As the number of COVID cases continue to decline, the District Court continues to re-evaluate its criminal calendars. Effective July 1, 2021. New Arraignments, Pretrials, Dispositions and Trials shall be scheduled in accordance with this Order as capacity limits allow. Remote hearings are encouraged and can be scheduled by permission of the judge.

New Charges

Filing of New Criminal Complaints –

Police Departments must submit all criminal complaints to the Clerk's Office no later than ten (10) days from the offense date. Complaints which do not comply with this Administrative Order will not be accepted and will require a new hearing notice to be sent by the Police Department

Arraignments

Some departments may be staggered, and attorneys should confirm the actual time of appearance with the police departments.

- **ALL** Felony Arraignments will now be scheduled for an in-court appearance.
- Only Priority Misdemeanor charges, as defined below, will be scheduled for an in-court appearance at this time.

The following Misdemeanor charges are defined as priority

- Domestic Abuse
- DUI and 2nd Offense Refusals

- **Reckless Driving**
- Any other Misdemeanor charge which the police department feels presents a public safety risk.
- If a priority charge is accompanied by other charges, all charges will be heard.

All other NEW Misdemeanor Charges not enumerated above, except license related charges shall be scheduled after August 16, 2021.

Future capacity will continue to be assessed on an ongoing basis.

The court encourages all departments to utilize Release to Appear notices when appropriate for non-priority Misdemeanors.

License Charges

Any cases presently scheduled for a court hearing will go forward on the scheduled date.

- **New Civil Violations** - 1st and 2nd Suspended, Expired, and No License Charges shall be scheduled after September 30, 2021
- **New Misdemeanor License cases** – 3rd and Subsequent Offenses, shall be scheduled after August 11, 2021
- Any driving offense deemed by the charging police department to involve issues of public safety may be scheduled forthwith

Trials and Dispositions

Any matter ready for trial or for disposition shall be assigned a date by the judge. Parties should review all paperwork with their client prior to the date of disposition. If a matter cannot be resolved at pretrial, the court will schedule a trial date accordingly. Defendants must appear for dispositions and trial dates. A failure to appear will result in a Bench Warrant.

Pre-Trial Calendars –

Pre-trial Conferences shall be scheduled in the regularly assigned Courtroom. Defense counsel must be present for all court appearances on behalf of their client, unless excused by the Court. Defendants are not required to appear for the first Pre-trial date and should only appear thereafter for an approved Disposition, Trial, or by a specified order of the Judge. Counsel for the Defendant shall sign the notice of court date on behalf of their client. Other than for a disposition or a trial, defendants shall not appear in-person unless their presence is ordered by the court. Failure to appear when ordered by the Court, may result in a Bench Warrant.

Howard Avenue – Covid-19 Arraignments –

Arraignments for Defendants who are denied access into the Courthouses will continue to be heard at this facility. Petitioners who are denied access into the Courthouse and are seeking a Domestic Abuse restraining order may also be seen at this facility.

ACI Video –

Video Arraignments shall continue to be heard until further notice.

Motions to Expunge –

Motions to Expunge shall be scheduled for hearing. If the Attorney General's Office has no objection, the motion will be heard, but neither Defendant nor Defendant's counsel need appear.

Veterans Treatment Court –

Will be conducted in-person in the Noel Judicial Complex in Courtroom 2A and will be scheduled accordingly by Judge Hastings.

Technical Violations –

Will be set down for a hearing based on availability. Cases will be assigned by the judge sitting on the State Calendar.

Entered as an Order of this Court on this 9th day of June 2021.

Enter:

By Order:

/s/

/s/

Jeanne E. LaFazia
Chief Judge

Stephen Waluk
Administrator