

**STATE OF RHODE ISLAND**

**DISTRICT COURT**

**ADMINISTRATIVE ORDER 2021-09 – CRIMINAL**

**EFFECTIVE SEPTEMBER 28, 2021**

All District Court courtrooms have been open throughout the COVID pandemic and will continue to be open on a daily basis. As we continue to deal with the aftermath and the ongoing spike in the Delta variant, the District Court will continue to control the scheduling of all matters based upon backlogs and safety protocols.

Arraignments, Pretrials, Dispositions, Trials and all other hearings shall be scheduled in accordance with this Order. Remote hearings, when feasible, are encouraged and may be scheduled with permission of the Hearing Judge.

**New Charges**

**Filing of New Criminal Complaints –**

Police Departments shall continue to 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**

Departments that have been on staggered schedules will continue to be staggered at those times. Attorneys should confirm the actual time of appearance with the police departments.

- **ALL** Felony Lock-up, Release to Appear, and Re-Arraignments will be scheduled for in-court appearances.
- All Misdemeanor charges, defined below, will be scheduled for an in-court appearance no more than ten (10) days from the offense date:
  - Domestic Abuse

- DUI and 2<sup>nd</sup> Offense Refusals
- Reckless Driving
- Any other Misdemeanor charge, which the police department feels presents a public safety risk.
- Any Misdemeanor charge accompanied by one of the above priority charges.

All other NEW Misdemeanor Charges not enumerated above shall be scheduled for a hearing with no time period limitation at the discretion of the police departments and with guidance from the Court.

**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, unless otherwise ordered by the Court.

- All Civil and Criminal Suspended, Expired, and No License charges will be scheduled with no time period limitation at the discretion of the police department and with guidance from the Court.
- Any driving offense deemed 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. If a Defendant is not represented by counsel, the Defendant must be present for all Court appearances. Defendants, represented by counsel, should only appear for an approved Disposition, Trial, or by a request by Counsel with a specified order of the Judge. If a Defendant is ordered to appear by a request by Counsel for either party, Defense Counsel shall send notice to their client of the court date and must provide a copy of said notice to the Court. 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 on the State calendar. In Kent County, Motions to Expunge, where the entire case has a disposition of 48A shall be scheduled in Courtroom 2E before Judge Capraro. All other Motions to Expunge shall be heard in Courtroom 2B on the State Calendar. If the Attorney General’s Office has no objection to a motion being granted, a notice of no objection shall be filed in the court’s file. Upon such filing, neither counsel need appear. Motions to Expunge, with objection shall be scheduled on the State day with presence of all parties.

**Veterans Treatment Court –**

Will be conducted in-person in the Noel Judicial Complex in Courtroom 2A and will be scheduled accordingly by Judge Hastings. As needed, remote hearings may be scheduled by Judge Hastings.

**Technical Violations –**

Will be set down for a hearing on the State Calendar and will be assigned by the Judge. In Kent County cases will be set down for a hearing on Fridays in courtroom 2B beginning on October 15, 2021. Cases will be assigned by the judge sitting on the State Calendar.

Entered as an Order of this Court on this 28th day of September 2021.

Enter:

By Order:

/s/

/s/

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Jeanne E. LaFazia  
Chief Judge

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Stephen Waluk  
Administrator