

Rule 9. Release or Detention in a Criminal Case.

The Superior Court must state in writing, or orally on the record, the reasons for any order detaining a defendant in a criminal case. If the Superior Court orders the release of a defendant and the prosecution indicates an intent to appeal that decision, the judge must state reasons for the action taken. A request for relief by this court from an order of detention must be accompanied by an affidavit executed by the party or attorney requesting the relief, addressing each point enumerated in Form 6. Additionally:

(a) Release or Detention Before Judgment of Conviction. A party appealing from an order regarding detention or release before a judgment of conviction must follow the procedures stated in Rule 25.1(b)(1) (Emergency Cases). Following reasonable notice to the appellee, the court will determine the appeal promptly on the basis of the filings and parts of the record that the parties present or the court requires. In appropriate cases, the court may order oral argument on an emergency basis.

(b) Release or Detention After Judgment of Conviction. A party requesting review of an order regarding release or detention after a judgment of conviction, including orders granting or denying compassionate release, must file a notice of appeal from that order in the Superior Court, or a motion in this court if the party has already filed a notice of appeal from the judgment of conviction. The party must then follow the relevant procedures stated in Rule 25.1(c)(1) (Expedited Cases). The documents filed must include a copy of the judgment of conviction.