

Rule 1. Scope of Rules

These rules govern the procedure in the Superior Court on a motion under D.C. Code § 23-110:

- (1) by a person in custody pursuant to a judgment of the Court for a determination that the judgment was imposed in violation of the Constitution or laws of the United States or the District of Columbia, or that the Court was without jurisdiction to impose such judgment, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack; and
- (2) by a person in custody pursuant to a judgment of a state or federal court and subject to future custody under a judgment of the Superior Court for a determination that such future custody will be in violation of the Constitution or laws of the United States, or that the Superior Court was without jurisdiction to impose such judgment, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack.

COMMENT

These rules may also be used as a guide for procedures governing collateral attacks on convictions brought as petitions for a writ of habeas corpus or a writ of error coram nobis. The rules are largely patterned after "Rules Governing Section 2255 Proceedings for the United States District Courts," and reference to the comparable federal rules is made in many of the Comments to these rules.