

## **Rule 1. Scope; Authority of the Chief Judge; Definitions**

(a) SCOPE. These rules govern the procedure in all criminal proceedings in the Superior Court of the District of Columbia.

(b) AUTHORITY OF THE CHIEF JUDGE. The Chief Judge by order may arrange and divide the business of the Criminal Division as may be necessary for the sound administration of justice, except that branches within the Division may be created or eliminated only by court rule.

(c) TAX DIVISION. All proceedings brought by the District of Columbia for the imposition of criminal penalties under 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) DEFINITIONS. The following definitions apply to these rules:

(1) "Attorney for the government" means:

(A) the Attorney General of the United States or an authorized assistant;

(B) a United States Attorney or an authorized assistant;

(C) the Attorney General for the District of Columbia or an authorized assistant; and

(D) any other attorney authorized by law to conduct proceedings under these rules

as a prosecutor.

(2) "Civil action" refers to a civil action in the Superior Court.

(3) "Court" means a judge or magistrate judge performing functions authorized by law, except where the term is used to mean the court as an institution.

(4) "District Court" means all United States District Courts.

(5) "Judge" means the Chief Judge, an Associate Judge, or a Senior Judge of the Superior Court of the District of Columbia.

(6) "Law enforcement officer" or "investigative 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 or the District of Columbia.

(7) "Magistrate Judge" means a Magistrate Judge of the Superior Court of the District of Columbia as defined in D.C. Code §§ 11-1732 and -1732A (2012 Repl. & 2017 Supp.).

(8) "Oath" includes an affirmation.

(9) "Organization" is defined in *18 U.S.C. § 18*.

(10) "Superior Court" means the Superior Court of the District of Columbia.

(11) "Telephone" means any technology for transmitting live electronic voice communication.

(12) "Victim" means any person or entity defined as a "victim" or "crime victim" in D.C. Code § 23-1905 (2) (2017 Supp.) or as a "crime victim" in *18 U.S.C. § 3771 (e)(2)(A)*.

(13) "Video teleconference" means any technology for transmitting live electronic video communication.

## **COMMENT TO 2017 AMENDMENTS**

Subsections (d)(11), defining "telephone," and (d)(12), defining "victim," were added to correspond with the 2008 and 2011 amendments to the federal rule. The definition of "video teleconference" is unique to the Superior Court rule; it was added to explain the term, which appears throughout the rules.

## COMMENT TO 2016 AMENDMENTS

This rule has been redrafted to conform to the general restyling of the federal rules in 2002. It differs from the federal rule in several respects.

Paragraph (a) makes clear that these rules apply to all criminal proceedings in the Superior Court.

D.C. Code § 11-902 (b) (2012 Repl.) permits the Superior Court by rule to establish branches within the Division. This rule eliminates the Felony, Misdemeanor and District of Columbia-Traffic Branches of the Criminal Division to permit greater flexibility in case management and utilization of resources.

Paragraph (b) reflects the Chief Judge's authority pursuant to D.C. Code § 11-906 (b) (2012 Repl.) to organize the business of the Superior Court. It replaces former paragraph (d).

Paragraph (d) (Definitions) differs from the federal rule in several ways to reflect local practice. In addition, consistent with the incorporation of Federal Rule 54 into Federal Rule 1, the definitional paragraphs of former Superior Court Rule 54 have been moved, as modified, to this rule.

Subparagraph (d)(3), defining "court," substitutes "judge or magistrate judge" for "federal judge" and adds the phrase "except where the term is used to mean the court as an institution."