

## **Rule 10. Arraignment**

(a) In General. An arraignment must be conducted in open court and must consist of:

- (1) ensuring that the defendant has a copy of the indictment or information;
- (2) reading the indictment or information to the defendant or stating to the defendant the substance of the charge; and then
- (3) asking the defendant to plead to the indictment or information.

(b) Waiving Appearance. A defendant need not be present for the arraignment if:

- (1) the defendant has been charged by indictment or misdemeanor information;
- (2) the defendant, in a written waiver signed by both the defendant and defense counsel, has waived appearance and has affirmed that the defendant received a copy of the indictment or information and that the plea is not guilty; and
- (3) the court accepts the waiver.

(c) Video Conferencing. Video conferencing may be used to arraign a defendant if the defendant, having been afforded the opportunity to consult with counsel, consents.

### **COMMENT TO 2016 AMENDMENTS**

This rule has been redrafted to conform to the general restyling of the federal rules in 2002. Paragraphs (b) and (c) are new to this and the federal rule. This rule is identical to the federal rule except that it makes explicit that the defendant must have been afforded the opportunity to consult with counsel before consenting to arraignment by video conferencing.