

## **Rule 105. Assignment of Felony Cases and Related Cases**

### **(a) Assignment process.**

(1) Supervision. The Chief Judge, or such other judge as the Chief Judge may choose, shall direct by designated Court officers, the assignment and calendaring of felony and related cases.

(2) Assignment cards. The Criminal Clerk shall prepare a block of assignment cards each month from the list of judges assigned by the Chief Judge for trial duties in the Felony Branch. The order of judge's names within each block shall be non-sequential and at random and shall not be disclosed until assignment. Immediately after assignment, the case number shall be stamped on the assignment card which shall be preserved.

(3) Time of Assignment. Upon the return of an indictment, it shall be forthwith filed with the Criminal Clerk. Except as otherwise provided by this Rule, or by order of the Chief Judge or such other judge as the Chief Judge may choose, upon this filing, the Criminal Clerk shall promptly assign the matter to the judge whose name appears on the assignment card.

### **(b) Related cases.**

(1) Definition. Criminal cases are deemed related when (i) a superseding indictment or information has been filed or (ii) more than 1 indictment or information is filed or pending against the same defendant or defendants. Notice of such relationship shall be given to the Criminal Clerk by the prosecutor at the time of return of the indictment.

(2) Assignment. (i) Whenever it appears that an indictment is filed with respect to an accused against whom a [an] indictment is already pending, the Criminal Clerk shall promptly assign the matter to the judge before whom the previous indictment is pending. (ii) Whenever it appears that an information is filed with respect to an accused against whom an indictment is already pending, the judge sitting in the Assignment Section, after conducting the arraignment, shall assign the matter to the judge before whom the indictment is pending. (iii) Whenever it appears that an indictment is filed with respect to an accused against whom an information is already pending, the Criminal Clerk shall assign the previously unassigned misdemeanor case to the judge assigned the felony case, except that no such misdemeanor case, without the consent of the defendant, shall be assigned within 5 days of trial to an individual judge of the Felony Branch. (iv) Subject to the provisions of (iii) above, if related cases have been assigned to different judges, counsel may make a motion for transfer of the subsequently filed case. Such motion shall be referred to the judge to whom the 1st felony case was assigned. If the motion is denied, the case shall be returned to the judge assigned to the subsequently filed case.

(c) Consolidation of cases. When a motion for the consolidation of cases is made, it shall be referred to the judge before whom the 1st felony case is pending. If such a motion is granted, the procedure thereafter shall be the same as for related cases.

(d) Dismissed cases. When a case previously assigned to an individual judge is dismissed, with or without prejudice, and an indictment or information is filed involving the same parties and relating to the same subject matter, the 2nd case shall be transferred to the Chief Judge or the Chief Judge's designee in the case of a felony, or to the judge sitting in the Assignment Section in the case of a misdemeanor, for consideration of reassignment to the judge to whom the original was assigned.

(e) Other transfers and reassignments. When reassignment of a case is necessitated by the death, retirement, resignation, incapacity or assignment to other duties of any judge, by appointment of a new judge or a visiting judge, or by any circumstances not otherwise provided for in these Rules, the Chief Judge or such other judge as the Chief Judge may choose, shall determine the necessity of such reassignment and by order effect such reassignment.

(f) Sanctions.

(1) Officers and employees. No Court officer or employee may reveal to any other person, other than the Chief Judge or such other judge as the Chief Judge may choose, the sequence of judges' names within each block of assignment cards. No Court officer or employee may number or assign any case other than in the manner provided or in the manner ordered by the Chief Judge or such other judge as the Chief Judge may choose. Any person violating this provision may be punished for contempt of Court.

(2) Others. No person may directly or indirectly cause, or procure or attempt to cause or procure, a Court officer or employee (i) to reveal to any person, other than the Chief Judge or such other judge as the Chief Judge may choose, the sequence of the judges' names within each block of assignment cards or (ii) to number or assign any case otherwise than as herein provided or as ordered by the Chief Judge or such other judge as the Chief Judge may choose. Any person violating this provision may be punished for contempt of Court.

(g) Scope. This Rule shall not apply to any prosecution which under Rule 1 is to be conducted in either the District of Columbia Traffic Branch or the Tax Division.