

Rule 109. Arraignments in Misdemeanor Cases and Presentments

(a) Duties. The Chief Judge, or such other judge or judges, or hearing commissioners as the Chief Judge may assign shall discharge on behalf of the Felony Branch and the Misdemeanor Branch of the Criminal Division the following duties, when applicable:

(1) Conduct presentments where the case, prior to the return of an indictment or the filing of an information, is prosecuted by formal complaint;

(2) Conduct arraignments where the case is prosecuted by information, except as otherwise provided for in Rules 102, 103, 104, and 108;

(3) Upon arraignment before the judge or hearing commissioner schedule the case for trial;

(4) Schedule preliminary hearings, including not otherwise scheduled or assigned pretrial detention hearings under Rule 46-1;

(5) Appoint counsel from a list of attorneys prepared under the authority of Section 302(b) of the District of Columbia Court Reorganization and Criminal Procedure Act of 1970, Public Law 91-358 [§ 1-2702, D.C. Code, 1981 Ed.];

(6) Set conditions of release or detention in all cases prior to the filing of an indictment or the commencement of trial;

(7) Except as otherwise provided in these Rules, grant or deny continuances; and

(8) Entertain motions for mental observation in accordance with the procedures set forth in paragraph (c) of this Rule. Motions for mental observation made after arraignment or presentment shall come before the judge to whom the case has been assigned or, if not so assigned, before the judge assigned to hear criminal motions.

(9) Conduct any other matters, including the holding of trials or hearings, as time permits.

(b) Operation. Presentments and arraignments shall commence at 1:00 p.m. The order of call shall insofar as practicable, be as follows:

(i) Attorneys who are scheduled for an afternoon trial or hearing;

(ii) Felonies;

(iii) Misdemeanors.

(c) Procedures for mental examination. Repealed. See now Rule 120.