

Rule 37. Indicative Ruling on a Motion for Relief That Is Barred by a Pending Appeal

(a) RELIEF PENDING APPEAL. If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may:

(1) defer considering the motion;
(2) deny the motion; or
(3) state that it would grant the motion if the District of Columbia Court of Appeals remands for that purpose.

(b) NOTICE TO THE COURT OF APPEALS. The movant must promptly notify the District of Columbia Court of Appeals under District of Columbia Court of Appeals Rule 4(f) if the trial court states that it would grant the motion.

(c) REMAND. The trial court may decide the motion if the District of Columbia Court of Appeals remands for that purpose.

COMMENT TO 2017 AMENDMENTS

This rule is substantially similar to *Federal Rule of Criminal Procedure 37*, which was introduced in 2011, but it contains two local differences—1) it references the District of Columbia Court of Appeals and its applicable rule; and 2) the language “or that the motion raises a substantial issue” has been omitted as inconsistent with local appellate rules.

COMMENT TO 2016 AMENDMENTS

This rule, retained from the former rule, has no federal counterpart. The rule no longer states the specific fee for filing a notice of appeal, because that fee is set forth in Rule 50 of the Rules of the District of Columbia Court of Appeals.