

STATE OF RHODE ISLAND

DISTRICT COURT

ADMINISTRATIVE ORDER CRIMINAL 2022-02

EFFECTIVE MAY 2, 2022

The District Court will continue to control the number of hearings scheduled and the time slots for said hearings

Arraignments, Pretrials, Dispositions, Trials and other hearings shall be scheduled in accordance with this Order. Remote hearings, when feasible, may be scheduled with permission of the Hearing Judge.

New Charges

Filing of New Criminal Complaints –

Police Departments shall continue to submit all criminal complaints to the Clerk's Office no later than ten (10) days from the offense date. Complaints not received within the ten (10) day period will not be accepted and will require a new notification be sent to the defendant by the Police Department.

Arraignments

Departments that have been on staggered schedules will continue to be staggered at those times, unless permission to change the time is granted by the Arraignment Judge.

The Court encourages all departments to utilize Release to Appear notices when appropriate for non-public safety Misdemeanor matters.

Pre-Trial Calendars –

Pre-Trial Conferences shall be scheduled in the regularly assigned Courtroom.

- **Defendants who are not represented by counsel shall be required to appear for all court dates.**
- **Counsel for a defendant must appear at every scheduled pretrial date and shall sign the notice of court date on behalf of their client, if their client is not present.**
- **Defendants represented by counsel do not need to appear at the first pretrial conference hearing. The Defendant, however, shall be present for all subsequent court dates unless excused by the Judge.**

Trials and Dispositions –

Any matter ready for trial or for disposition shall be assigned a date by the judge. If a matter cannot be resolved at pretrial, the court will schedule a trial date accordingly. Defendant must appear for all dispositions and trial dates. A failure to appear will result in a Bench Warrant.

Motions to Expunge –

Motions to Expunge shall be scheduled for hearing on the State calendar. Should the Attorney General's Office have no objection to a motion being granted, a notice of no objection must be filed with the clerk's office within three (3) days of the scheduled hearing. Upon no objection being filed, neither counsel nor the defendant need to appear, unless otherwise ordered by the Court. Cases dismissed by Rule 48a, neither counsel nor the defendant need to appear.

On matters where an objection has been filed, the matter shall be re-scheduled on a State day with presence of all parties.

Regardless of no objection filed, the following **Motions to Expunge the following charges shall require the defendant and defense counsel to appear in court for the hearing:**

- **Driving Under the Influence of Alcohol and or Drugs**
- **Refusal of a Chemical Test 2nd or subsequent offense**
- **Domestic Abuse**

Entered as an Order of this Court on this 26th day of April 2022.

Enter:

/s/

Jeanne E. LaFazia

Chief Judge

By Order:

/s/

Stephen C Waluk

Administrator