

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
ADMINISTRATIVE ORDER 15-12**

**Traffic and D.C. Misdemeanor Case Management Plan**

**WHEREAS**, the 2013-2017 Strategic Plan of the District of Columbia Courts, *Open to All, Trusted by All, Justice for All*, seeks to promote timely case resolution by implementing performance standards, case management plans, and other best practices; and

**WHEREAS**, performance standards for all Superior Court operating divisions were adopted in 2009 and revised in 2012; and

**WHEREAS**, a case management plan serves as a management tool to promote achievement of performance standards; and

**WHEREAS**, consistent with the mission of the Criminal Division as defined by the District of Columbia Code and the Criminal Rules of the Superior Court of the District of Columbia, the Court has developed a case management plan for Traffic and District of Columbia Misdemeanor cases that are prosecuted by the Office of the Attorney General of the District of Columbia;

**NOW, THEREFORE**, it is, by the Court,

**ORDERED**, that the case management plan for Traffic and District of Columbia Misdemeanor cases, attached hereto, is effective July 6, 2015; and it is further

**ORDERED**, that this order shall remain in effect until further order of the Court.

**SO ORDERED.**

**DATE: July 1, 2015**

\_\_\_\_\_  
*/s/*  
Lee F. Satterfield  
Chief Judge

**Copies to:**

All Judges  
Executive Officer  
Clerk of the Court  
Division Directors  
Librarian

## **Traffic and D.C. Misdemeanor Case Management Plan**

### **I. Purpose**

People who have been charged with Traffic and D.C. Misdemeanor offenses and their attorneys can use the following information to help them understand what will happen when they appear in D.C. Superior Court.

### **II. Location of the Courthouse**

The D.C. Superior Court is located at 500 Indiana Avenue, N.W. (near the Judiciary Square Metro stop).

### **III. Filing Documents**

Pleadings, motions, and other documents may be filed in the Criminal Division Clerk's Office, 500 Indiana Avenue, N.W., Room 4000. The Clerk's Office is open from 8:30-5:30 p.m., Monday through Friday. In addition, there is a location for after-hours filing next to the Information Desk on the Indiana Level of the courthouse.

### **IV. Where to Report**

The Traffic and D.C. Misdemeanor courtrooms are located on the Indiana Avenue level of the courthouse.

People who have court dates in Traffic and D.C. Misdemeanor cases must report to the following courtrooms, depending on the Police District in which they have been arrested:

D.C. Calendar 1 – Courtroom 120:

Police Districts 1D, 3D, 4D

D.C. Calendar 2 – Courtroom 115:

Police Districts 2D, 5D, 6D

D.C. Calendar 3 – Courtroom 116:

Police Districts 7D, U.S. Park Police, U.S. Capitol Police

### **V. Court Scheduling**

To the greatest extent possible, the court will stagger scheduling during the day in an effort to reduce the waiting times for parties and attorneys. Certain types of hearings are specifically scheduled at set days and times.

#### **A. Arraignments, Citation Release Returns and Other Non-Trial Events:**

These will be scheduled in each Traffic/D.C. Misdemeanor courtroom as follows:

**Courtroom 115** – Tuesdays

**Courtroom 116** – Wednesdays

**Courtroom 120** – Thursdays

**B. Arraignment times for Impaired Driving Offenses:** 9 a.m.

**C. Arraignment times for Other Traffic Offenses:** 10 a.m.

**D. Arraignment times for Non-Traffic (D.C. Misdemeanor) offenses:** 11 a.m.

**E. Times for other short matters:** The court will schedule other short non-trial matters (i.e. diversion status hearings, probation reviews, or revocation hearings, certain status hearings) at 11:30 a.m. and at 2:00 p.m.

**F. Trial Scheduling:** Each Traffic and D.C. Misdemeanor courtroom will schedule trials according to the availability of the parties and the court. For cases in which operating without a valid permit is charged, scheduling may be limited to certain dates on which only trials of this offense are heard.

## **VI. Getting an Attorney**

If you are charged with a Traffic or D.C. Misdemeanor offense, you have a right to have an attorney. If you cannot afford an attorney, the court will appoint an attorney to represent you if you qualify under the guidelines established by the court's Criminal Justice Act Plan. If you feel that you are not able to pay for an attorney you should bring copies of your last two pay checks, or other proof of your employment status. This information will assist staff in the Criminal Justice Act Office in determining if you are eligible to receive a court appointed attorney.

If you wish to hire your own attorney and can afford to do so, you may do so. If you hire your own attorney, he/she must notify the court that he/she represents you by filing a notice of appearance with the court known as a "praecipe."

If you do not hire an attorney, there will be a Duty Day attorney available in the courtroom on your citation date to give you legal advice for that hearing only.

## **VII. Charges Heard on the Traffic and D.C. Misdemeanor Calendars**

The cases heard in the Traffic and D.C. Misdemeanor courtrooms are charges prosecuted by the Office of the Attorney General (OAG), rather than by the Office of the United States Attorney (USAO). There are two types of charges prosecuted by OAG: (1) criminal traffic offenses, and (2) D.C. Misdemeanors.

**A. Criminal Traffic Offenses:** Criminal traffic offenses include, but are not limited to: driving while intoxicated; driving with a suspended or revoked license; driving and having no valid permit to drive; speed in excess of 30 miles over the speed limit; reckless driving; and leaving after colliding. If you

are stopped, an officer is permitted by law to arrest you if he/she has probable cause to believe you have committed one of these offenses.

There are other traffic violations (including moving violations) that are considered civil infractions for which you may not be arrested. If you are stopped by an officer for these infractions, the officer may issue a ticket, or Notice of Infraction, which will include information on how to pay the established fine or to contest the ticket. These matters are handled by the Department of Motor Vehicles, not by the D.C. Superior Court.

- B. D.C. Misdemeanors:** D.C. Misdemeanors are non-traffic related offenses including, but not limited to: possession of an unregistered firearm; unlawful possession of ammunition; drinking in public; disorderly conduct; and possession of an open container of alcohol in public.

### **VIII. The Judge Who Will Hear Your Case**

Traffic and D.C. Misdemeanor cases are assigned to three different Magistrate Judges based upon where you are arrested, or in some cases based upon what police agency you are arrested by. The assigned Magistrate Judge will generally handle your case from the first appearance in court to the final disposition of your case. However, by statute you must give written consent to enter a plea or schedule a trial before a Magistrate Judge. The consent form will generally be offered to you at the time you enter your plea or at the time that the case is scheduled for trial. Attached, as Form B, is a sample consent form.

Although there is little practical difference between entering a guilty plea or having a trial before a Magistrate Judge or an Associate Judge, one difference is that if you wish to appeal the decision of a Magistrate Judge you must first file a motion for review of the Magistrate Judge's decision and may not file a direct appeal with the D.C. Court of Appeals as you could after a trial with an Associate Judge. If you or the OAG do not consent to a plea or a trial by a Magistrate Judge, then your case will be randomly assigned to one of six Associate Judges handling US misdemeanor cases for plea or trial. If the charge is one for which you may demand a jury trial, and you demand a jury trial, your case will be randomly assigned to one of 8 Associate Judges handling Felony II cases for a status hearing.

### **IX. What Happens if You are Arrested for a Traffic or D.C. Misdemeanor Offense**

- A. Who has arrest power?** There are many police agencies in the District of Columbia with arrest power. These include the Metropolitan Police Department, U.S. Park Police, U.S. Capitol Police, Federal Bureau of Investigation, U.S. Secret Service, and others.
- B. In what circumstances can you be arrested?** A police officer may arrest a person whom he/she has probable cause to believe committed an offense in his/her presence. In addition officers have the power to arrest a person for

whom there is an existing arrest warrant for alleged violations of the law or for failure to appear at a scheduled court hearing.

**C. If you are arrested, will you be taken into custody?** If you are arrested on a Traffic or D.C. Misdemeanor charge:

1. You may be taken into custody. If so, the arresting officer will take you to the appropriate police district station to process the arrest. Processing the arrest will generally include filling out reports describing the reason for arrest, and getting identifying information about you. To identify you, the officer may ask for legal identification or may fingerprint you.
2. The officer may decide not to take you into custody and instead issue a Field Arrest Form. If you are released by the officer with a Field Arrest Form, the form will tell you to appear within two weeks at the police district station in the Police District in which you were arrested. When you appear at the station, you must choose either to post and forfeit or contest the charges in court.

i. “Post and Forfeit” means you must pay the established fine and the case will be over. The Post and Forfeit option is available for many D.C. Misdemeanor charges and for a limited number of criminal traffic charges. For a complete list of post and forfeit charges and the associated fine, you can go to [www.dccourts.gov/internet/legal/aud\\_criminal/criminalforms](http://www.dccourts.gov/internet/legal/aud_criminal/criminalforms). The list should also be available at all police stations. If you elect to post and forfeit you may in the future request a chance to come to court to contest the charge. In order to contest the charge after you have elected to post and forfeit you need to file in court a motion to set aside a forfeiture, within 90 days of the decision to post and forfeit and serve a copy of the motion on the OAG. A sample copy of a motion to set aside a forfeiture is attached as Form E.

ii. Contest the charges in Superior Court. If you choose to contest the charges in court, you will be given a citation release form with a date on which you must appear in court. If you fail to appear on that date a bench warrant may be issued for your immediate arrest and the OAG may decide to file additional criminal charges against you for your failure to appear.

**D. If You Are Taken Into Custody**

Once at the Police District station, you may be allowed to “Post and Forfeit,” you may be given “Citation Release,” you may be allowed to post bond or you may be detained and held in jail until you go before a judge at D.C. Superior Court.

1. Post and Forfeit: See IX(C)(2)(i) above

2. **Citation Release:** If you are given “Citation Release,” an officer will complete a form that will say when and where to appear in court. Your date to appear will be approximately 21 days after your arrest. If you fail to appear on your “citation date,” a bench warrant may be issued for your immediate arrest and the OAG may decide to file additional criminal charges against you for your failure to appear. Citation release may be denied if you cannot provide any positive identification, if you appear not to understand the nature and obligations of citation release (i.e. if you are intoxicated or impaired, or appear unable to understand the requirement to appear), if you do not cooperate in the booking process, or for other reasons. In addition, an officer may impose conditions of release (i.e. stay away from a person or a place) pending your first appearance in court. If you violate that order you may be immediately arrested or you may be held pending your arraignment. Attached as Form A is a Citation Release Form.
3. **Detention/Jail:** You may be detained overnight and brought to court on the next business day to appear before a judge for your arraignment. The D.C. Superior Court is open for arraignments Monday through Saturday, including holidays.

**X. What Happens Before Your First Court Appearance?**

- A. Papering/No Papering:** Before your first appearance in court, the OAG will review the paperwork and other information concerning your arrest and make a decision whether charges will be filed. This is commonly called “papering” the case. In some instances the OAG will decide that no charges will be filed in court and the case will be “no papered.”
- B. Deferred Prosecution:** In some cases, the OAG may decide to offer you a Deferred Prosecution instead of filing charges. A Deferred Prosecution is an agreement by the government that the government will not file criminal charges arising from the arrest as long as you are not arrested again for a specified period of time. Under a Deferred Prosecution, the OAG reserves the right to file criminal charges in the future if you are arrested again within the specified period of time. If you are arrested again, the OAG may file charges for both the first arrest and additional charges for the second arrest.
- C. If you have been given Citation Release:** Sometime before your court date the OAG will make a decision about whether to file charges (to “paper” the case).

**XI. Changing Your Citation Date**

You should adjust your schedule so that you can appear on the citation date established by the police agency at the time of your release. However, in rare circumstance you may have other obligations that cannot be rescheduled. If you need

to request another citation date you must file a motion to change arraignment with the court and with the OAG.

## **XII. What Happens at Your First Court Hearing?**

Your first court hearing before a judge is called your “arraignment date” or your “citation date.”

- A. Right to Counsel:** You have a right to be represented by a lawyer at this hearing. If you cannot afford a lawyer, a lawyer will be appointed to represent you. If you would like the opportunity to hire your own lawyer, there will be “Day Duty” lawyers in the courtroom to represent you at this hearing only.
- B. Notice of the Charges:** The judge or the courtroom clerk will tell you what charges the OAG has filed against you, advise you of your rights under the United States Constitution and give you a copy of the written charges.
- C. Initial Plea:** At your first court hearing, you will be given an opportunity to enter a plea of not guilty or guilty. You have a right to plead not guilty and ask the judge to schedule a trial at which the government would have to present proof beyond a reasonable doubt that you committed the charged offense. You will be able to change your plea from not guilty to guilty at later hearings if you decide you want to accept a plea offer or admit to the allegations.
- D. Setting of Trial Tracks:** If on your arraignment date you have entered a plea of not guilty, the OAG will provide written information and documents that give you and your lawyer notice of the charge against you and a summary of the facts that are the basis for the charge. This is called a “discovery” package. The OAG also may make a plea offer or an offer of diversion. The judge will also decide, with input from the OAG and your defense attorney, whether the trial will be a complex trial or a non-complex trial and schedule future dates accordingly.
- E. Setting of Release Conditions:** If you are released by the judge to return for a future hearing, the judge may order that you follow certain conditions of release the judge believes are necessary to protect the safety of the community or assure your return to court. For example, the judge may order that you not drive without a valid permit, or that you stay away from a certain location, or not consume alcohol, or report to the Pretrial Services Agency (PSA) for appropriate supervision while your case is pending. If you violate a condition of release **you may be arrested again and** charged with a new crime for violating the condition of release.
- F. Notice to Return to Court:** At the end of your hearing, the judge will give you notice to return for your next court date and will warn you that if you fail to return as ordered, the judge may issue a warrant for your arrest.

### **XIII. When Do You Have a Right to a Jury Trial?**

In the District of Columbia you have a right to a trial by jury for any charge that carries a maximum penalty of more than 180 days. For most Traffic and D.C. Misdemeanor charges, the maximum penalty is 180 days or less. In some cases you may be charged with a repeat offense that may increase the maximum penalty and make you eligible to demand a jury trial. If you have the right to a jury trial and demand one, the court will randomly assign your case to one of 8 judges handling Felony II calendar matters. That calendar judge will become responsible for setting any future court dates and the trial date.

### **XIV. What Happens at Future Court Hearings In Your Case if it Remains on the Traffic and D.C. Misdemeanor Calendar?**

After your first appearance before the judge, future hearings will be scheduled depending on whether the OAG makes a plea offer to you, or offers you a “diversion program,” or whether you decide you would like a trial on your charges.

- A. The Status Date:** If you do not resolve your case on the first date the court will set a status date. The purpose of the status hearing is to allow you and your lawyer to review discovery, to consider any plea or diversion offer and to make a decision whether you will request a trial. At the status hearing the judge will address any discovery or other issues that need to be heard. In order to make the status hearing a meaningful date your attorney should be prepared to respond to plea or other offers and to address any outstanding discovery issues that must be resolved before proceeding to trial. If there are other issues that need to be addressed prior to trial the court may set another status hearing date prior to the scheduled trial date to address the issues.
- B. Offer of Diversion Programs:** At or after your first court appearance, the OAG may decide to offer you the option of entering a program in which you may resolve your case without having a conviction on your record. This is generally called “diversion,” and the programs vary depending on the charges and other factors. The OAG alone has the right to decide whether to offer you an opportunity for diversion based on an individualized review of your case. The OAG also has the sole right to decide that you have failed to fulfill the requirements of your diversion program. The court will set “diversion status hearings” to review your compliance with the terms of your diversion agreement.
- C. Plea Offer:** In most cases where the OAG does not offer a “diversion” opportunity, the OAG will make a plea offer, which is an offer to possibly dismiss or reduce charges or limit the punishment it requests in exchange for your plea of guilty to a specified offense. If you decide to accept the government’s offer, the judge will engage in a discussion with you as described in Section XVI below.
- D. Setting Trial Tracks:** If you have requested a trial, your case will be scheduled on one of two trial tracks:



1. Track I (the non-complex trial track) cases will be scheduled for future court dates as follows: status hearing in 30 days and trial date 45 days later. Generally most permit related offenses (driving without a permit, driving after suspension or revocation) and most other traffic and D.C. Misdemeanors will be considered non-complex cases unless the parties can demonstrate that the matter is complex.
2. Track II (complex trial track) cases will be scheduled for future court dates as follows: status hearing in 90 days and trial date 30 days later. Generally all alcohol related offenses, and other offenses such as leaving after colliding property damage, or leaving after colliding personal injury, and possession of a firearm or ammunition, will be considered complex matters.

The Scheduling Order is attached as Form C.

#### **XV. Motions**

Pursuant to Rule 47-I motions must be filed within 10 days after your arraignment or entry of appearance by counsel, whichever is later. Generally, all motions will be decided on the trial date just before the trial actually begins. In some instances the court may set a motion hearing prior to the trial date to decide the motion.

#### **XVI. What Happens if You Enter a Diversion Program?**

Only the OAG decides whether to offer diversion and, if so, which program. The most common diversion programs and the scheduling of hearings when diversion is entered are as follows:

- A. Family and Medical Counseling Services Diversion (Family and Medical Counseling Services, Inc. is a social services agency located in SE, D.C.):** This program is intended for people charged with traffic related alcohol offenses. In this program, the defendant enters an alcohol/drug counseling and treatment program and is required to attend classes where instruction is given on the effects of drinking/substance use and driving. Classes can include group therapy or individual sessions. Fees associated with this diversion program are paid by the defendant and must be paid prior to receiving the service. The fees may be reduced depending on the defendant's income.
- B. Community Service Diversion:** The defendant agrees to perform community service through various D.C. non-profit or D.C. government entities designated by the D.C. Superior Court Criminal Division, Community Court Office, and Community Service Program. The defendant may be required to perform anywhere from 4 to 40 hours of community service before the defendant's next court date in order to satisfy his or her obligations under the agreement.
- C. Remedying Diversion:** If you are charged with driving with no permit, operating after suspension or revocation, or any other charge involving your

license, registration or insurance, the OAG may dismiss the case against you if you can remedy the situation. To remedy the situation you will have to get a valid license, registration, or insurance and bring proof of that to your first court date. If your license has been suspended or revoked you must get your license reinstated (that may mean paying parking tickets, child support, or other financial obligations).

- D. Remediating and Community Service Diversion:** The defendant is to remedy first and come back to the next court date with proof a valid driver's license and/or a certified driving record. The defendant is then given community service hours to complete before the next court date.
- E. Post and Forfeit Diversion:** For certain offenses, a defendant may post and forfeit a set amount of money and the prosecutor will not continue to prosecute the case. For a complete list of post and forfeit charges and the associated fine you can go to [www.dccourts.gov/internet/legal/aud\\_criminal/criminalforms](http://www.dccourts.gov/internet/legal/aud_criminal/criminalforms) and the list should also be available at all police stations.
- F. Social Services Referral Diversion:** A defendant will be offered the opportunity to participate in a particular social services program that is identified by OAG. If the defendant returns on the next court date with proof of participation the case will be dismissed. The social services programs may include mental health treatment, alcohol and substance abuse treatment, job training, medical care, housing assistance, and/or education.
- G. Deferred Sentencing Agreement:** In some cases the OAG will offer a Deferred Sentencing Agreement (DSA). This is an agreement between the defendant and the government that requires the defendant to admit an offense and enter a plea of guilty, but gives the defendant the opportunity to follow certain conditions stated in the agreement – such as completing community service or participating in a traffic alcohol program or other program – within a period of time specified in the agreement. If the defendant does what the agreement requires in the specified time, the defendant will be allowed to withdraw his or her plea at the next hearing date and the case will be dismissed. If the defendant does not fulfill the terms of the agreement, however, the government will ask the court to impose an appropriate sentence upon the defendant on the day of sentencing.
- H. Time to complete diversion:** If you agree to enter a diversion program the judge will place the case on the Diversion Track and set a next court date (a “diversion status hearing”) up to 60 days in the future. If you successfully complete the diversion program requirements, the government will dismiss the charges against you and you will not have a criminal conviction. It is important to complete all of your diversion requirements by the diversion status hearing date because if you do not, the OAG may withdraw the diversion offer. If the diversion offer is withdrawn you must then make a decision if you want to enter a plea of guilty or if you want to request a trial. The OAG may decide to

give you more time to complete the diversion requirements and set another diversion status date in 30-60 days, or may require that a trial date be set but allow you to still complete the terms of the diversion agreement. If the diversion agreement is completed prior to the date of trial, the OAG may dismiss the charges against you and cancel the trial date. If the OAG requests a trial date, the trial will be set 30-45 days after the diversion status hearing date.

## **XVII. Resolving Your Case by Plea**

If you wish to accept the plea offer made by the government and enter a plea of guilty, you will have to sign (1) consent to plea before a Magistrate Judge form (Form B) and (2) a waiver of right to trial (Form D).

- A. The Plea Proceeding:** Once you and your lawyer sign the forms and submit them to the clerk, the clerk will call your case and the judge will ask you a series of questions to make sure that you understand your rights and that your plea is being entered freely and voluntarily. The judge may place you under oath. If the judge determines that you understand what you are doing and are entering your guilty plea willingly, and if you admit facts that support the offense you are pleading to, the judge will accept your plea of guilty.
- B. The Questions the Judge Will Ask:** Pleas of guilty are governed by Superior Court Criminal Rule 11, although the judge will decide what specific questions he/she will ask of you when you are pleading guilty. A list of the typical questions asked during a guilty plea is attached in Form F.
- C. The Factual Proffer:** As part of the plea, the court will ask the OAG to state the facts describing what you did in committing the offense you are pleading to. After the OAG has given this information to the judge, you will be asked to say whether what the OAG has presented is true. If you deny the facts that show you committed the crime, the judge cannot accept a guilty plea.
- D. Sentencing:** If the court accepts the guilty plea you will be sentenced. The court may sentence you to jail time, probation and/or a monetary fine, depending on what the law says the possible penalties are for the offense you have pleaded guilty to. If you are convicted the court is required by law to order you to pay a fee to support the Victims of Violent Crime (VVC) fund. That fee will be a minimum of \$50 or \$100 depending on the charge. The court cannot suspend or waive the VVC fee. In some cases, the court may set the sentencing for a future date and order a presentence report. The presentence report is prepared by the Court Services Offender and Supervision Agency (CSOSA) and will give the sentencing judge more information about you and your circumstances in order for the judge to create an appropriate sentence.

## **XVIII. What Happens on the Day of Trial?**

On the day of trial, both parties are expected to be prepared to proceed to trial immediately. Witnesses must be present in the court or on their way. In some cases, witnesses may be placed “on call” with a promise by the witness to arrive in the courtroom within a specific time after being called to appear. The judge will usually inform the parties that it will begin the trial after completing other non-trial calendar matters, usually within one or two hours, or may “certify” the trial to another judge who is available to hear it more quickly.

- A. If the OAG announces at the trial call that it is “ready” for trial:** This means the OAG is prepared to start the trial immediately. Your lawyer must announce that you are “ready” for trial, or if you are unable to proceed to trial and are requesting a continuance of the trial, give reasons why a continuance should be granted. Rule 111(c) requires that motions for continuance be made in writing 48 hours prior to trial, and the judge will ask your lawyer to explain any failure to file such a motion. If your case is proceeding to trial, you must decide whether to go forward with the trial or enter a plea of guilty. Your lawyer will give you advice about these options.
- B. If the OAG is not “ready” for trial:** This means that the OAG is for some reason not prepared to go to trial that day. The government may request a continuance in which case it would have to give reasons to the court why the continuance should be granted, or may dismiss the case against you. If the continuance is granted the court will select the next available trial date. If the continuance is denied, your lawyer may ask the judge to dismiss the case. If the judge dismisses the charges “without prejudice,” the OAG may file the same charges against you again. If you receive a notice that the charges have been filed against you again, you must appear in court on the date stated in the notice. If the judge dismisses the charges “with prejudice,” the OAG may not file the charges again.
- C. Three Day Carry Rule:** Parties are expected to be available to try a scheduled trial for three business days. The vast majority of cases that are “ready for trial” proceed to trial on the scheduled date. If for some reason the court cannot reach the trial on the scheduled trial date, however, parties are expected to be ready to proceed to trial on the subsequent two business days after the scheduled trial date, or to seek a continuance for good cause.

## **XIX. Court Performance Standards**

The court has established time standards for the disposition of cases and trial certainty standards to ensure that cases are resolved in a timely and fair manner.

### **A. The time to disposition standards are:**


75% of cases disposed within 120 days;

90% of cases disposed within 180 days; and,

98% of cases disposed within 270 days.

**B. The trial certainty standard is:**

80% of trials held within two trial dates.

	<p><b>SUPERIOR COURT OF THE DISTRICT OF COLUMBIA</b> Criminal Division</p> <p><b>Notice to Appear in Court or Post and Forfeit</b> 1st, 3rd and 4th District Arrests by Any Law Enforcement Agency Within These Districts</p>	<p>Thumb Print</p>							
<b>SUBJECT INFORMATION</b>									
Arrest No.	CCN	POID	DOB						
Station Clerk/Officer/Badge/Unit/Cad.No.		Offense PSA							
Name of Arrested Person: <b>Last, First, Middle</b>									
<p><b>You Have Been Arrested for the following offense(s)</b> <i>(Please List All Arrest Charges)</i></p>									
<b>Release and Return to Court Information</b>									
<b>CITATION RELEASE ONLY</b>		<b>COURT ORDERED BOND RELEASE ONLY</b>							
Officer: Please mark the appropriate Courtroom location and select a date by using the date chart on the Court's website.		Officer: Please complete if the arrested person posts bond on a warrant issued by a D.C. Superior Court Judge.							
<p>You are being released on your promise to appear at the Superior Court of the District of Columbia, 500 Indiana Ave., NW, Washington, D.C. on the <b>DATE</b> and <b>TIMES</b> below.</p> <p><input type="checkbox"/> <b>ONLY OAG Charge(s)</b></p> <p>DATE _____ at _____ TIME _____ in Courtroom 120</p> <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-left: 100px;"> <p style="font-size: x-small; text-align: center;">Appearance Times are based on the charge(s):</p> <table style="font-size: x-small; width: 100%;"> <tr><td>Impaired Driving Offenses</td><td>9 AM</td></tr> <tr><td>Any Other Traffic Offense</td><td>10 AM</td></tr> <tr><td>All Non-Traffic Offenses</td><td>11 AM</td></tr> </table> </div> <p><input type="checkbox"/> <b>ONLY U.S. Charge(s)</b></p> <p>DATE _____ at <b>9:30 a.m.</b> in Courtroom C-10</p> <p>DATE _____ at <b>9:00 a.m.</b> in Courtroom 120</p> <p>DATE _____ at <b>9:30 a.m.</b> in Courtroom C-10</p> <p><input type="checkbox"/> <b>U.S. AND OAG Charges</b></p> <p>DATE _____ at _____ TIME _____</p> <p>DATE _____ at _____ TIME _____</p>		Impaired Driving Offenses	9 AM	Any Other Traffic Offense	10 AM	All Non-Traffic Offenses	11 AM	<p>You were arrested on a bench warrant issued by a D.C. Superior Court Judge because you failed to appear in a criminal case. You must report to Courtroom C-10, 500 Indiana Ave., NW, Washington, D.C. on:</p> <p>DATE _____ at <b>9:30 a.m.</b> TIME _____</p> <p><b>I have paid the bond set by the Court. I promise to appear on the date and time above. I understand that if I fail to appear, a bench warrant may be issued for my arrest. I also understand that if I fail to appear, I may be charged with a criminal offense that may result in a fine, imprisonment, or both if I am convicted of failing to appear.</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: 100px;"> <p style="text-align: center; font-size: small;"><b>Bond Amount</b></p> <p>\$ _____</p> <p style="text-align: center; font-size: x-small;">Name and Address of Person Posting Bond</p> <p style="text-align: center; font-size: x-small;">Name _____</p> <p style="text-align: center; font-size: x-small;">Address _____</p> </div> <p>Signature of Arrested Person _____ Date _____</p>	
Impaired Driving Offenses	9 AM								
Any Other Traffic Offense	10 AM								
All Non-Traffic Offenses	11 AM								
<p>I acknowledge receipt of this Notice to Appear. I promise to appear on the date and time indicated above. I understand that if I fail to appear, a bench warrant may be issued for my arrest. I also understand that if I fail to appear I may be charged with a criminal offense that may result in a fine, imprisonment, or both if I am convicted of failing to appear.</p> <p>Signature of Arrested Person _____ Date _____</p>		<b>JURORS ONLY</b>							
<p><input type="checkbox"/> <b>POST AND FORFEIT MONEY ONLY</b></p> <p>Charge: _____ Post and Forfeit Amount: \$ _____</p> <p>I have chosen to pay and forfeit the collateral (money) amount set for the charge(s). I understand that I am waiving my right to a Court hearing when I pay and forfeit the amount set for the charge(s).</p> <p>Signature of Arrested Person _____ Date _____</p>		<p>You were arrested on a bench warrant for failing to appear for D.C. Superior Court jury service. You will be released today to report to the D.C. Superior Court, <b>Room 3130</b> [The Jurors' Office], 500 Indiana Ave., NW, Washington, D.C., on:</p> <p>DATE _____ at <b>9:30 a.m.</b> TIME _____</p> <p><b>I promise to appear on the date and time above. I understand that if I fail to appear, a bench warrant may be issued for my arrest. I also understand that if I fail to appear I may be charged with a criminal offense that may result in a fine, imprisonment, or both if I am convicted of failing to appear.</b></p> <p>Signature of Arrested Person _____ Date _____</p>							
<b>ATTENTION ALL ARRESTED PERSONS</b>		<b>Acknowledgement of Receipt of Notice to Arrested Person</b>							
<p>If the Superior Court is closed due to an emergency, you must return to Court on the next business day at 9 a.m.</p>		<p>I acknowledge that I have received and read the Notice To Arrested Persons and I understand my rights.</p> <p>Signature of Arrested Person _____ Date _____</p> <p>Address: _____</p> <p>Phone: _____ Email: _____</p>							
<p>Issued by Acting Clerk, Superior Court of the District</p> <p>Signature of Station Clerk _____ Badge No. _____ Unit _____</p>									

## NOTICE TO ARRESTED PERSONS

Please review the information below that explains your release and your duty to comply. The information below is subject to change without advance notice.



### CITATION RELEASE

If you are eligible, you may be released immediately on your promise to go to D.C. Superior Court, 500 Indiana Ave., NW, Washington, D.C. on the **date** and **time** on the Citation Release section on Page 1 of this document.

A prosecutor will decide whether to file a criminal case against you. If you do not appear in Court, a bench warrant may be issued for your arrest. In addition, you could be charged with failing to appear even if the prosecutor decides to drop the case.

As a condition of your release on citation, you may be directed to stay away from and have no contact with a particular person or persons and/or to stay away from a particular place until you appear in Court.

If you violate the stay away, a police officer can immediately arrest you, and you will be brought to Court on the next day that the Court is open. If the prosecutor charges you with any crime, you will have a right to be represented by an attorney. If you cannot afford an attorney, one will be provided for you.

#### IMPORTANT INFORMATION

Even though you were arrested, the government may decide not to file charges against you in Court. It is important that you bring the citation release form with you to Court on your arraignment date because it contains information that you may need to identify whether or not the government has filed charges in Court.

#### FOR CASE INFORMATION

For information on the status of your case, you may call the D.C. Superior Court's Criminal Division Customer Service line at **(202) 879-1373**.



### BOND RELEASE

You have been arrested on a bench warrant. You may post a bond in the amount set by the judge who issued the warrant. If you pay the bond, you will be released to appear in Court on the **date** and **time** indicated on Page 1 of this document. If you do not appear on that date and time, a new bench warrant could be issued for your arrest. You could be charged with failure to appear even if the prosecutor decides to drop this case. Failure to appear for the Court date also could lead to the loss of the bond you have paid.



### POST AND FORFEIT MONEY

If you have been charged with an eligible offense and you are eligible to post and forfeit, you may pay the amount of money set by the Court for the offense and the case will end. If you choose to pay the amount set, you will **NOT** get your money back because you are agreeing to forfeit the amount. No sanction, penalty, enhanced sentence, or civil disability will be imposed by any District of Columbia court or agency in any subsequent criminal, civil, or administrative proceeding or action if you post and forfeit. You **WILL** have an arrest record. You may file a motion with the Superior Court to seal your arrest record. For more information regarding sealing your record, you can contact the Public Defender Service of the District of Columbia at **202-628-1200** or via email at [www.pds.dc.org](http://www.pds.dc.org).

- **WHAT IF YOU CHANGE YOUR MIND AND DECIDE TO CONTEST THE CHARGES?** If you decide you would rather appear in Court after you post the money, you can file a "Motion to Set Aside Forfeiture" within 90 days of today's date.
- **WHAT IF THE GOVERNMENT DECIDED TO OPPOSE YOUR POST AND FORFEIT DECISION?** The Office of the Attorney General for the District of Columbia, the prosecutor for this case, may file a "Motion to Set Aside Forfeiture" within 90 days.
- **WHAT HAPPENS IF THE COURT GRANTS THE MOTION?** If your motion or the government's motion is granted, the charges be reinstated and you will have to go to Court. If you cannot afford an attorney, you may be eligible for appointed counsel.

If you choose not to post and forfeit and elect to continue the criminal case, you are eligible for release on citation.



### IMPORTANT NOTICE TO ARRESTED PERSONS REGARDING TRAFFIC OFFENSES

If you have been arrested for **No Permit, Operating After Suspension** or **Operating After Revocation**, it may help to resolve your case early if you bring the following documents to your Court date:

- **No Permit:** A valid permit (or learner's permit from the District of Columbia Department of Motor Vehicles (DMV) or a valid out-of-state permit **AND** a 15-year driving record.
- **Operating after Suspension or Revocation:** If your license was suspended or revoked, provide certified documentation from the District of Columbia Department of Motor Vehicles or from your home state's Department of Motor Vehicles stating that you have corrected the problems that led to your suspension or revocation, including the payment of any outstanding tickets or support obligations, and that you have paid any reinstatement fees. The document also must indicate that your license has been reinstated and that you are in good standing.

**Form B**

United States of America/  
District of Columbia

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_

CONSENT TO NON-JURY TRIAL OR PLEA  
BEFORE SUPERIOR COURT MAGISTRATE JUDGE

The Superior Court Magistrate Judge has explained to me the nature of the offense(s) with which I am charged and the maximum possible penalties which might be imposed if I enter a plea or proceed to a non-jury trial. The Magistrate Judge has informed me of my right to a trial and assistance of legal counsel.

I HEREBY Waive (give up) my right to trial and judgment before a Superior Court judge, and I consent to plea/trial, judgment and final sentencing before a Superior Court Magistrate Judge.

\_\_\_\_\_

Assistant D.C. Attorney General

\_\_\_\_\_

Defendant

\_\_\_\_\_

Attorney for Defendant

\_\_\_\_\_

Magistrate Judge



**Form C**

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

DISTRICT OF COLUMBIA ) Case No.  
\_\_\_\_\_)  
v. )  
\_\_\_\_\_)  
Defendant's Name )

CRIMINAL SCHEDULING ORDER

Pursuant to the case management plan enacted on July 6, 2015, the following are the deadlines and next events for this case

Arraignment was held: \_\_\_\_\_:

Case has been placed on Diversion Track:  
Diversion Status Hearing is scheduled for:

\_\_\_\_\_) \_\_\_\_\_) \_\_\_\_\_)  
Date Time Courtroom #

Case has been placed on Track I (non complex):  
Misdemeanor Initial Status Hearing is scheduled for:

\_\_\_\_\_) \_\_\_\_\_) \_\_\_\_\_)  
Date Time Courtroom #  
(note: motions are due 10 days after arraignment)

Non Jury Trial is scheduled for (misd initial status + 45 days)

\_\_\_\_\_) \_\_\_\_\_) \_\_\_\_\_)  
Date Time Courtroom #

Case has been placed on Track II (complex):  
Misdemeanor Initial Status Hearing is scheduled for:

\_\_\_\_\_) \_\_\_\_\_) \_\_\_\_\_)  
Date Time Courtroom #  
(note: motions are due 10 days after arraignment)

Non Jury Trial is scheduled for (misd initial status + 30 days)

---

Date

---

Time

---

Courtroom #

You must appear in Court on the above dates. Failure to appear can result in imprisonment for 180 days and/or a \$1,000 fine.

A schedule may be modified only for good cause and with the judge's consent.

**Form D**

United States of America/  
District of Columbia  
vs.

Case No. \_\_\_\_\_

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**PLEA AGREEMENT AND WAIVER OF TRIAL**

**PLEA AGREEMENT:** Defendant and the Government enter into the following plea agreement:

---

---

**YOU ARE NOT REQUIRED TO PLEAD GUILTY.** If you do plead guilty, you will give up important rights, some of which are stated below.

First, you give up your right to a trial by the court or a jury, comprised of 12 members of the community. At a trial you would be presumed to be innocent and the Government would be required to present evidence in open court to prove its case beyond a reasonable doubt.

At the trial you have the right to have a lawyer represent you. The lawyer would be able to cross-examine witnesses, file motions to suppress evidence and statements, and make objections and arguments on your behalf. You would have the right to question any witness and you could have witnesses come to court and testify for you. You would also have the right to testify if you wanted to; however, if you chose not to present testimony that decision could not be used against you. You could not be convicted at trial unless the court found that the Government had proved your guilt beyond a reasonable doubt.

Second, you give up your right to appeal your conviction to the Court of Appeals. This is a right you would have if you were convicted after trial. The right to appeal includes the right to have the Court of Appeals appoint a lawyer for you and pay for your lawyer's services if you could not afford a lawyer.

Third, if you are not a citizen of the United States, your plea of guilty could result in your deportation, exclusion from admission to the United States, or denial of naturalization.

Your signature on this form means that you wish to plead guilty and give up your right to trial and your right to appeal. If the court accepts your guilty plea, you will be convicted and the only matter left in the case will be for the court to sentence you. No person can guarantee what your sentence will be.

**I HAVE REVIEWED THIS FORM WITH MY LAWYER AND HAVE DECIDED TO PLEAD GUILTY IN THIS CASE. I HAVE DECIDED TO GIVE UP MY CONSTITUTIONAL RIGHT TO HAVE A TRIAL AND TO GIVE UP MY RIGHT OF APPEAL.**

\_\_\_\_\_  
Asst. D.C. Attorney General

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Magistrate Judge

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

DISTRICT OF COLUMBIA

vs.

Case No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Officer \_\_\_\_\_ Pct. \_\_\_\_\_

NOI No. \_\_\_\_\_

Charge \_\_\_\_\_

Offense Date \_\_\_\_\_

\_\_\_\_\_  
(Defendant)

MOTION TO SET ASIDE FORFEITURE

Comes now the Defendant in the above-entitled case, and respectfully requests the Court to set aside the forfeiture entered on \_\_\_\_\_ for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Attorney) (Defendant)

Address \_\_\_\_\_  
\_\_\_\_\_

Government  does not oppose  opposes defendant's motion for the following reason:  
\_\_\_\_\_

Officer's Court Date \_\_\_\_\_

Set for Hearing on \_\_\_\_\_

A copy of the foregoing motion was received this

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Assistant Corporation Counsel

Motion to set aside forfeiture

Granted Denied Date \_\_\_\_\_

Set for Arraignment on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
JUDGE/COMMISSIONER

Officer Notified \_\_\_\_\_  
Liaison Officer

Form F

**SAMPLE PLEA COLLOQUY--TRAFFIC**

**To the Defense Counsel: Please place the terms of the plea agreement and the maximum sentence on the record.**

**To the Defendant:**

**>>>>Do you understand that if you are not a citizen of the United States, your plea of guilty could result in your deportation, exclusion from admission to the United States, or denial of naturalization?**

**>>>Are you under the influence of any drugs or alcohol that affects your ability to make a decision today?**

**>>>Are you satisfied with your lawyer?**

**>>>>Has anyone promised you what sentence you will actually receive?**

**>>>>Has anyone forced or threatened you to plead guilty?**

**>>>>Do you understand that you are not required to plead guilty and that you have a right to go to trial if you want to?**

**>>>>Do you understand that if you went to trial the Govt would have to prove you guilty beyond a reasonable doubt and your lawyer would have the right to questionX all of the government's witnesses?**

**>>>>Do you understand that at trial you have the right to present a defense and to testify, but no one can force you to do either because you have an absolute right to remain silent at your trial?**

**>>>>Do you understand that if found guilty at trial, you would a right to appeal. If you could not afford a lawyer at appeal, one would be appointed for you.**

**>>>>Do you understand that by pleading guilty, you give up each of these rights? There would be no trial and no appeal.**

**>>>>You signed a form indicating that you waived your right to trial and appeal, did you read it and understand it before you sigend it?**

**At this time, please listen to the prosecutor who will indicate what the govt's Evidence would have been at trial. At the end of the proffer, I will ask whether you agree or disagree.**

**>>>>How do you plead on the charge of (), Guilty or Not Guilty?**