

THE SUPERIOR COURT'S CRIMINAL ELECTRONIC FILING SYSTEM GUIDELINES

EFFECTIVE SEPTEMBER 5, 2017

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1. Mandatory Electronic Filing

1.1 Overview - Except for incarcerated individuals who are self-represented or where a waiver is granted in accordance with Article X, Rule 3(c), all parties are required to use the Rhode Island Judiciary's (Judiciary) electronic filing system (EFS). Self-represented litigants may electronically file documents in accordance with Article X, Rule 3(b) but are not required to do so. If there are any conflicts between Article X, the Rhode Island Judiciary User Guide for Electronic Filing, and the Superior Court's Criminal Electronic Filing System Guidelines, Article X shall control.

2. Electronic Filing System

2.1 Overview - The EFS is called Odyssey File and Serve, a product of Tyler Technologies, Inc. Access to the EFS is located on the Judiciary's website at www.courts.ri.gov under the heading of Electronic Filing or the Registered User may go directly to https://publicportal.courts.ri.gov/PublicPortal.

2.2 Registration Requirements

- 2.2.1 Registered User A Registered User is an individual or entity with an assigned username and password authorized by the Judiciary to access and utilize the EFS.
- 2.2.2 Non-registered User A Non-registered User is an incarcerated individual, an attorney who has been granted a waiver of the mandatory efiling requirements, or a self-represented litigant who has chosen not to use efiling.
- 2.2.3 Overview To become a Registered User of the EFS, an individual or entity shall be responsible for the following:
 - 2.2.3.1 Email Address Maintain an email address where notice and service can be made. An attorney shall register the attorney's email address with the Supreme Court through the Rhode Island Supreme Court Attorney Portal (RISCAP).

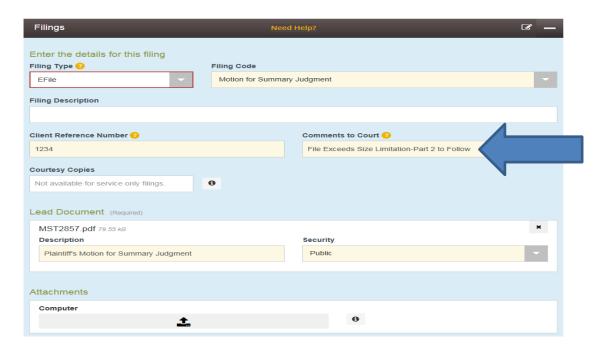
Every Registered User is responsible to have a valid, working email address. The Judiciary assumes no responsibility for inoperable email addresses or unread email.

The case management system (CMS) can currently store only one (1) email address per attorney, which shall be the one on file with the Supreme Court. Attorneys may want to configure their own email systems to forward any emails from the court to the appropriate staff within their offices.

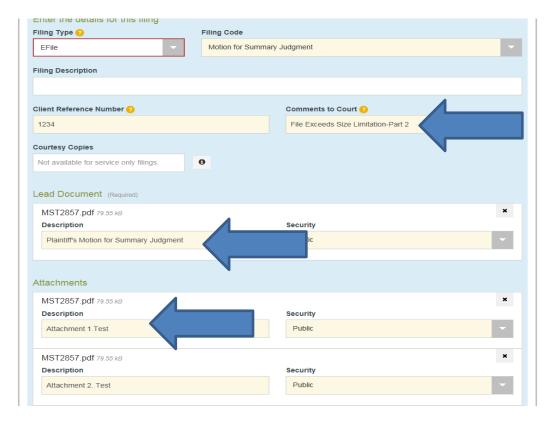
- 2.2.3.2 Usage Agreement Sign a Usage Agreement that establishes the obligations and responsibilities of the Registered User and provides guidelines for the use of the EFS.
- 2.2.3.3 Credit Card Provide and maintain a valid credit card for billing purposes.
- 2.2.4 Training Taped training sessions are available online (on-demand) on the Judiciary's website. You may view the taped sessions on the Judiciary's website at www.courts.ri.gov under the heading of Electronic Filing, Training or go directly to the following address:

https://www.courts.ri.gov/efiling/Pages/training.aspx.

- 2.3 Technical Requirements For technical requirements for using the EFS, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary's website at www.ri.courts.gov under the heading of Electronic Filing.
 - 2.3.1 Document Size A single filing should not be greater than twenty-five (25) megabytes. If a filing exceeds the size limitation, the first filing should contain the lead document and attachments with a note in the "Filing Comments" that "File Exceeds Size Limitation Part 2 to Follow."



The second filing should contain the same lead document but with the remaining attachments and a note in the "Filing Comments" that "File Exceeds Size Limitation – Part 2."



- 2.4 Methods of Filing Registered Users shall no longer be permitted to file by mail. No parties shall be permitted to file by facsimile transmission. Parties will be able to file orders, judgments, decrees, and trial documents (e.g., motion in limine, exhibits) in the courtroom. Except for temporary restraining orders, emergency motions, and motions to proceed in forma pauperis, Registered Users shall not be permitted to file in the clerk's office. See Section 7 within these guidelines.
- 2.5 Consent to Electronic Service In accordance with Article X, Rules 3(a) and 6(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing, upon the initiation of a case and/or upon submission of an entry of appearance in a matter, Registered Users are deemed to consent to receive electronic service of all documents through the EFS.
 - 2.5.1 Attorneys Waived From Using the EFS Attorneys who are granted a waiver in accordance with Article X, Rule 3(c) shall file a copy of the Order with the filing of all pleadings.
- 2.6 Case Service Contacts
 - 2.6.1 Registered Users There are two (2) separate requirements that need to be performed by <u>each</u> Registered User:
 - (A) File an Entry of Appearance (see Section 4.7 within these guidelines) in each case if the Registered User is an attorney; and

(B) Register their contact information in each case on the EFS.

A Registered User is required to enter the Registered User's own contact information in the "Case Service Contacts" list in the EFS in each individual case to ensure receipt of service of any documents. The "Case Service Contacts" list is different from the "Firm Service Contacts" list which allows a law firm to maintain a list of attorneys registered for efiling but does not attach listed attorneys to any specific case.

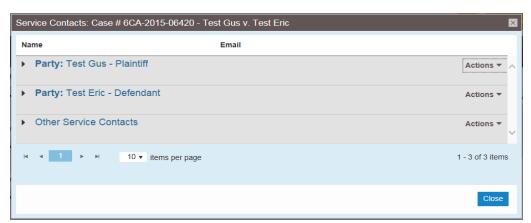
Registered Users should not enter contact information for opposing Registered Users on the case in the EFS. If a Registered User should enter the incorrect contact information for an opposing Registered User, only the Registered User who originally entered the incorrect contact information can edit that information in the "Case Service Contacts." For this reason, if an opposing Registered User has not entered the contact information in the EFS on a case, the opposing Registered User should be contacted and asked to do so. The "Case Service Contacts" is a requirement for proper service through the EFS.

2.6.2 Adding Service Contacts to a Case - Firms

From the Filing History page, locate the case to which you want to add a service contact. From the "Actions" drop-down list for the specified case, select "View Service Contacts."

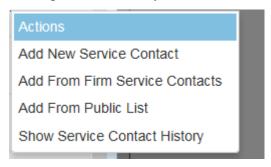


The "Service Contacts" page opens.

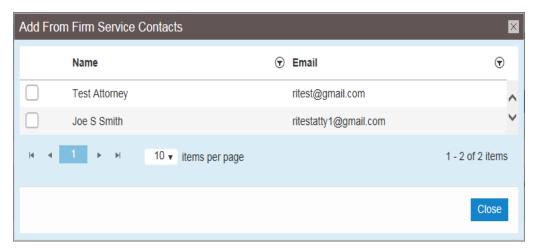


Locate the party in which you want to add a service contact. From the "Actions" drop-down list for the specified party, select "Add From Firm Service Contacts,"

or select "Add New Service Contact (for non-attorneys)" to add a new contact to the respective case only.

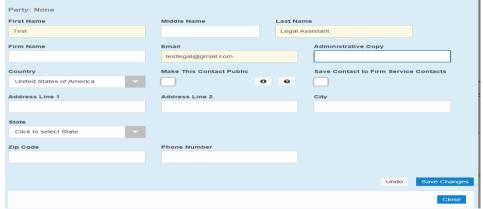


Select the check box next to the service contacts that you want to add to the case. After selecting the new service contacts, click close. The new service contacts are now displayed on the "Service Contacts" page under the party to which the service contact has been added.

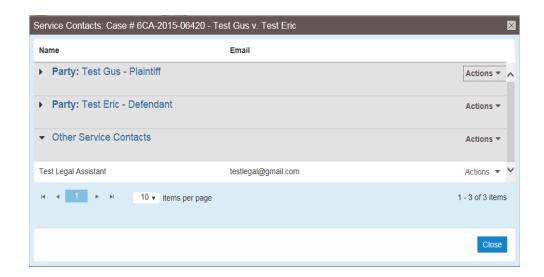


Click close to return to the Filing History page.

If you need to add a new service contact (not part of the Firm Service Contact list), please select "Add New Service Contact" and fill in the fields below (email is required):



Once completed, you will see the email listed with the existing service contacts on the case.

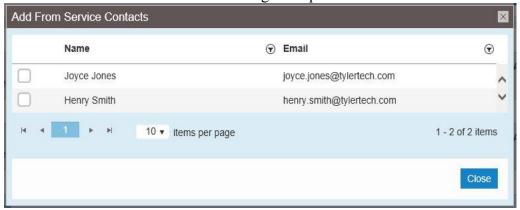


2.6.3 Adding Service Contacts to a Case – Individual Attorneys

From the "Filing History" page, locate the case to which you want to add a service contact. From the "Actions" drop-down list for the specified case, select "View Service Contacts."



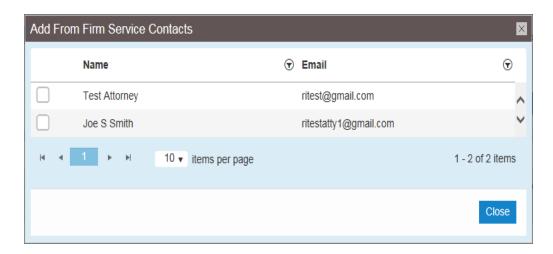
The "Add From Service Contacts" dialog box opens.



Locate the party to which you want to add a service contact. From the "Actions" drop-down list for the specified party, select "Add From Service Contacts."



Select the check box next to the service contacts that you want to add to the case. After selecting the new service contacts, click close. The new service contacts are now displayed on the "Service Contacts" page under the party to which the service contact has been added.



Click close to return to the "Filing History" page.

3. Rhode Island Judiciary Public Portal (Public Portal)

3.1 Public Portal – The Public Portal is an online service provided and maintained by the Judiciary which is the point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, and other activities in a case set forth in chronological order.

Courthouse and remote access to case information is set forth in the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information.

4. Electronic Notification System (eNotify)

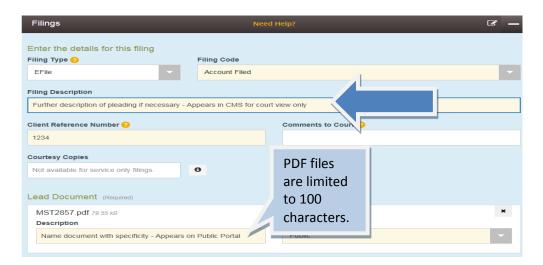
4.1 eNotify – eNotification messages are computer generated and transmitted by the CMS upon the entry of a docketable event or the scheduling of a hearing in a given case and are sent to attorneys who are entered in the case at the email address on file with the Supreme Court attorney registration. The system is programmed to update and send out

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messages every fifteen (15) minutes. The messages will identify the case and provide the event date and event description. An eNotification message is for informational purposes only and does not constitute official notice from the court, is not entered into the court record, and shall not be relied upon by recipients for any official purpose.

5. Format and Submission of Documents

- 5.1 Document Type All documents must be filed in a searchable portable document format (PDF or PDF-A) and completed in full. Fillable PDFs will not be accepted as the EFS does not support them. The documents must be in the correct orientation. For further information relating to the formatting of documents, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary's website at www.ri.courts.gov under the heading of Electronic Filing.
- 5.2 Submission of Filing To file a document, the Registered User must electronically submit the document to the CMS by means of the EFS. Emailing of documents is not an electronic filing with court. The document will then immediately be assigned an envelope number. The clerk's office will review the submission and, if the submission is in order, the submission will be accepted, and the Registered User will receive electronic notice of the acceptance. For further information relating to the review of submitted documents by the clerk's office, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary's website at www.ri.courts.gov under the heading of Electronic Filing.
- 5.3 Labeling of PDF Files and Filing Description All PDF files must be labeled with specificity. For example, Plaintiff [Name]'s Motion for Summary Judgment Against Defendant [Name]. Use the "Filing Description" to further describe the pleading to be filed.



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- 5.4 Electronic Filing of Documents When using the EFS:
 - 5.4.1 Obligations of the Office of the Attorney General.
 - 5.4.1.1 Mandatory eCharging All criminal cases shall be initiated through eCharging. A criminal case will be deemed to have been initiated on the date and time when the criminal case is submitted through eCharging, regardless of whether the court is open for business at the time of submission. Documents will be considered to have been timely filed when submitted at any time up to 11:59 p.m. on a filing deadline day. The time and date registered by the Judiciary's computer shall be conclusive.
 - 5.4.1.2 Criminal Information or Indictment The criminal information or indictment shall be filed through the EFS as the lead document within two (2) business days of when the case is accepted by the court through eCharging. A criminal information or indictment submitted after 2:00 p.m. Monday through Friday will be processed the following business day.
 - 5.4.1.3 Criminal Information Package or Indictment Two (2) sets of the criminal information package or indictment shall be filed separately through the EFS as attachments. One criminal information package or indictment shall be submitted as a non-public document. The second criminal information package or indictment shall be submitted as a public document with documents and/or information redacted in accordance with Article X, Rules Governing Electronic Filing and the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information. The information package or indictment may be filed in one PDF with a Table of Contents as the first page.
 - 5.4.1.4 Sealed Grand Jury Indictments Indictments that are sealed during the Grand Jury reporting shall be handled in the following manner:
 - (A) The electronic version of the case shall be created through eCharging;
 - (B) The physical document shall be given to the Clerk's Office after the Grand Jury reports out so that the document can be docketed and secured in the appropriate manner; and
 - (C) Any warrant request will be handled through the clerk in the courtroom.
 - 5.4.2 All Other Pleadings All subsequent pleadings, motions, and other papers, shall be submitted individually with related documents submitted as separate files

within the same submission or filing (for example, a motion and memorandum or other supporting attachments or exhibits filed in support of a motion). The filing should also include an index to the attachments or exhibits submitted as a separate document, for ease in navigating the submission.; and

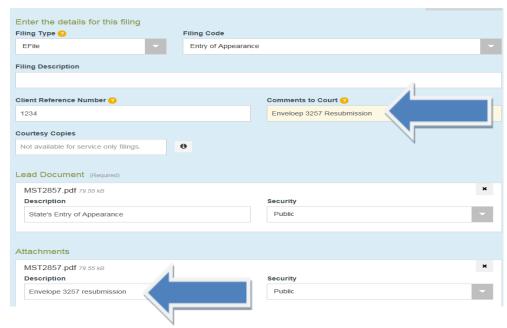
- 5.4.3 Categories of Items Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one attachment.
- 5.5 Lead Documents and Additional Attachments The basic rule of thumb is that anything that will be docketed separately should be in its own PDF file. As an example, if an answer is being efiled with a motion, each pleading needs to be a separate filing but can be sent in the same envelope by using the "Add Another Filing" function in the EFS. The EFS creates an event and attaches the document(s) in the CMS for each efiling.
 - 5.5.1 Distinct Documents Distinct documents, such as an Entry of Appearance or a Proof of Service should not be combined with another document into a single PDF file.
 - 5.5.2 Attachment Function in the EFS The attachment button in the EFS is used to include more than one (1) document in a filing. Using the attachment feature in the EFS for other than submitting required documents with lead documents or a motion with attachments or exhibits may result in documents being misdirected for review by the court and delays in scheduling hearings.
- 5.6 Requirements for Efiling Subsequent Pleadings, Motions, and Other Papers Certain pleadings, motions, and other papers have efiling requirements as set forth in Appendix A attached hereto.
- 5.7 Entry of Appearance When an attorney files an Entry of Appearance in a case, the attorney shall file the document through the EFS. If there is more than one (1) attorney representing a party, each subsequent attorney shall file an Entry of Appearance. The most current Entry of Appearance form is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.
 - 5.7.1 Office of Attorney General An Entry of Appearance is not required when filing the information or indictment but shall be filed once the case is assigned.
 - 5.7.2 Attorney for the Defendant An Entry of Appearance is required to be filed as soon as the attorney is retained.

6. Review of Document Once Submitted

Review by Clerk - Documents submitted through the EFS will be reviewed by the clerk's office for completion before acceptance in the CMS. As a general rule, documents will be reviewed by the clerk's office in a timely manner and entered into the CMS. Documents submitted after 4:00 p.m. will be processed the following day.

- 6.2 Compliance Documents will not be reviewed for compliance with state and federal law, court rule, court order, or case law designating information or documents as confidential.
 - 6.2.1 Non-public Information The Registered User is responsible to ensure that non-public information or personal identifying information is appropriately redacted prior to filing and that a document deemed in its entirety to be non-public information is appropriately checked as "confidential" in the EFS.
 - 6.2.2 Redacted Documents When filing a redacted document, the Registered User must file the redacted version of the document as the lead document and the non-redacted version marked "confidential" as an attachment.
 - 6.2.3 Non-public Documents When filing a document that is deemed non-public in its entirety, the Registered User need not submit a redacted version of the document.
 - 6.2.4 Changing Classification of a Document The clerk's office will not change the classification of a document from public to confidential absent a court order.
 - 6.2.5 Further Information Regarding Non-public Documents For further information regarding the submission of non-public documents, documents containing non-public information, or personal identifying information, please see Rule 8 of Article X of the Supreme Court Rules Governing Electronic Filing and Rule 4 of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information.
- Rejection of Documents In accordance with Super.R.Crim.P. 1(c)(3), documents will be rejected under the following circumstances:
 - 6.3.1 No Signature Pleadings filed without a conventional signature where required;
 - 6.3.2 Required Documents Pleadings filed without the required documents as set forth in Appendix A attached hereto;
 - 6.3.3 Electronic Filing of Documents Pleadings not filed in accordance with Super.R.Crim.P. 1(c)(2), except for the criminal information or indictment package in Super.R.Crim.P. 1(d)(3);
 - 6.3.4 Orientation of the Scanned Document Documents, including any required documents, attachments, or exhibits, scanned in the wrong orientation, e.g., upside down or backwards;
 - 6.3.5 Unreadable Documents Documents scanned and filed that are unreadable or illegible;

- 6.3.6 Fillable PDFs Documents filed in a fillable portable document format (PDF);
- 6.3.7 Wrong Document The document filed does not match the selected filing code type;
- 6.3.8 Filing Into Wrong Case The document is filed into the wrong case;
- 6.3.9 Case Caption Error The document contains the wrong or incomplete case caption;
- 6.3.10 No Case Identification The document is filed with no case identification;
- 6.3.11 Improper Scan or Upload The document was improperly scanned or uploaded;
- 6.3.12 Exceed Character Length Restriction The document name or address for a party exceeds the number of allotted characters;
- 6.3.13 Wrong Party or Participant The filer added a party or participant that is not configured in the CMS or does not match the information in the case;
- 6.3.14 Payment Processing Error A payment processing error occurred; and/or
- 6.3.15 Technical Submission Error A technical submission error occurred.
- Notification Notification to the Registered User as to whether the filing is accepted or rejected will be sent to the Registered User through the EFS. For further information regarding the review process and the status of submitted documents, please refer to the Rhode Island Judiciary Guide to Electronic Filing available on the Judiciary's website at www.courts.ri.gov under Electronic Filing.
- 6.5 Rejected Filings
 - 6.5.1 Rule for Resubmission of Rejected Filing Pursuant to Article X, Rule 5 of the Supreme Court Rules Governing Electronic Filing, "[a] rejected filing shall be promptly corrected and resubmitted and shall be deemed to have been submitted and filed on the initial filing date for purposes of any statutory or rule-based deadline"
 - 6.5.2 Statute of Limitations When the resubmission is filed after the statute of limitations because of a court rejection, the Registered User shall submit a new filing, type "Envelope [put in number] resubmission" (indicating the filing which was previously rejected by the court) in the "Filing Comments," and attach a copy of the previously rejected submission details. Once confirmed, the administrator, or his or her designee, of each court shall change the event date in the CMS and ensure that both the original (rejected) document and the newly submitted document are attached to the event for judicial review.



7. Scheduling and Notification of Motions

- 7.1 Motion Date All motions shall contain a hearing date selected by the Registered User placed on the top, right-hand corner of the document above the case number that is in compliance with the county's designated hearing times, when required. If the calendar is full on the requested date by the Registered User, the clerk's office shall schedule the motion for the next available date. Registered Users can confirm the motion date through the Public Portal.
- 7.2 No Motion Date If a motion does not contain a hearing date or an incorrect hearing date, the clerk's office shall not schedule the motion for the next available date.
- 7.3 Filing The motion shall be the lead document. If the Registered User is filing a memorandum in support of the motion, the Registered User would "Add Another Filing" to file the memorandum. Any exhibits to the memorandum shall also be filed as separate attachments to the memorandum.

8. Filing Documents Subsequent to the Filing of the Information or Indictment

- 8.1 Filing of Documents Whether the attorney or the self-represented litigant is a Registered User or not, all motions to proceed in forma pauperis and emergency motions shall be filed at the clerk's office. All other documents shall be filed through the EFS.
- 8.2 Waiver of Fees Motion to Proceed in Forma Pauperis
 - 8.2.1 Attorneys and Self-represented Litigants Whether the attorney or the self-represented litigant is a Registered User or not, if the attorney or the self-represented litigant seeks to have the court waive the cost of service of process

and filing fees, the attorney or the self-represented litigant must file a Motion to Proceed in Forma Pauperis, Order, and Affidavit in Support of Motion to Proceed in Forma Pauperis at the respective clerk's office. The most current version of the Motion to Proceed in Forma Pauperis, Order, and Affidavit in Support of Motion to Proceed in Forma Pauperis is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.

- 8.2.2 Judicial Officer Motions to Proceed in Forma Pauperis will be referred to the duty judicial officer for consideration. Whether or not the court grants or denies the motion, the court shall file the Motion to Proceed in Forma Pauperis, Order, and Affidavit in Support of Motion to Proceed in Forma Pauperis in the CMS.
- 8.2.3 Motion Granted If the Motion to Proceed in Forma Pauperis is granted, the cost of service of process and filing fees shall be waived and attorneys or self-represented litigants shall file the complaint, petition, or application, the in forma pauperis pleadings and order, and any other required documents with the clerk.
- 8.2.4 Motion Denied If the Motion to Proceed in Forma Pauperis is denied, proper payment shall be made, and the Registered User or self-represented litigant shall file the complaint, petition, or application, the in forma pauperis pleadings and order, and any other required documents with the clerk.
- 8.3 Emergency Motions Emergency motions may be filed at any time.
 - 8.3.1 Hearing Dates A hearing will be scheduled for the day the motion is filed unless the motion is filed less than one (1) hour before the scheduled closing of the clerk's office. In that case, the motion will be scheduled for a hearing on the following day that the court is open. Further hearing dates, if any are required, will be set at the discretion of the judicial officer to whom the matter is assigned.
 - 8.3.2 Denied Motions Emergency motions that are denied by a judicial officer shall be retained by the clerk for filing.
- 8.4 Trial Exhibits Trial exhibits shall not be efiled. The Registered User may bring a flash drive with the trial exhibits to the clerk of the trial judicial officer prior to the trial for identification purposes. Unless otherwise ordered by the judicial officer, trial exhibits are to be submitted in the courtroom when offered as an exhibit.
- 8.5 Proposed Orders To follow is the procedure for filing a proposed order, judgment, or decree:
 - 8.5.1 Filing and Service The document(s) are efiled by the Registered User in the EFS as a "Proposed Order" with the clerk's office and eserved on the selected parties listed in the "Case Service Contacts" for that case and served conventionally on all Non-registered Users.

- 8.5.2 Filing Status Once the Registered User receives a submitted status on the filing, the clerk's office shall review the filing.
- 8.5.3 Docket A proposed order is not a docketable event so the document will not be viewable on the Public Portal.
- 8.5.4 Routing The filing shall then be forwarded to the appropriate judicial officer for review.
- 8.5.5 Judicial Officer Review The judicial officer may grant, modify, or deny the proposed order.
 - 8.5.5.1 Order Granted If the judicial officer signs the proposed order, the document is sent to the clerk to docket in the CMS. Registered Users can retrieve the order on the Public Portal. Non-registered Users can obtain the signed order at the clerk's office.
 - 8.5.5.2 Order Modified If the judicial officer modifies the proposed order, the document with the modifications is sent to the clerk to docket in the CMS. Registered Users can retrieve the order on the Public Portal. Non-registered Users can retrieve the order at the clerk's office.
 - 8.5.5.3 Order Denied If the judicial officer denies the proposed order, the document is sent to the clerk to docket in the CMS with the reason why it was denied. Registered Users can view that the order was denied on the Public Portal. Non-registered Users can view that the order was denied at the clerk's office.
- 8.6 Motions Requesting an In Camera Review with Attached Document(s) To follow is the procedure for filing a motion requesting an in camera review with the respective attached document(s):
 - 8.6.1 Overview All Motions Requesting an In Camera Review with attached document(s) shall be filed directly with the judicial officer reviewing the matter and not filed through the EFS.
 - 8.6.2 Decision Once the judicial officer has reviewed the motion and attached document(s), the attached document(s) shall be filed in the CMS in accordance with the judicial officer's decision.
- 8.7 Sealed Cases Any pleadings that are to be filed into a sealed case shall be filed directly with the clerk's office and not through the EFS.

9. Signatures

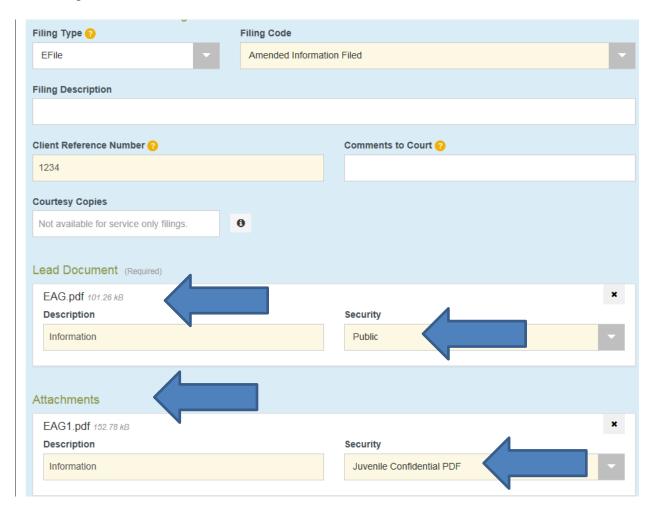
- 9.1 Signature of Judicial Officer Documents requiring the signature of a judicial officer shall be submitted through the EFS and shall include a signature line with the judicial officer's title typed below the line as well as a line for the date the document is signed by the judicial officer. The document will be transmitted electronically to the appropriate judicial officer for consideration.
- 9.2 Signature of Clerk Documents should also include a signature line for the clerk.

APPENDIX A

Filing Non-public and Public Versions of the Same Document

When a public and non-public version of a document are to be filed in a case, the public version of the document shall be filed as the lead document and the non-public or juvenile non-public version of the document shall be filed as an attachment to that lead document.

"Juvenile Confidential" document security is to be used for documents with identifying information of juvenile victims. "Confidential" document security is to be used for documents with information deemed confidential pursuant to the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information.



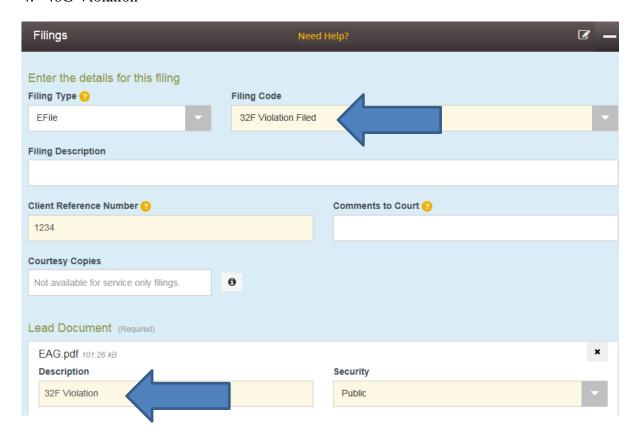
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Violation Reports

Violation reports shall be filed electronically before the presentment and filed with specificity. A violation report shall be filed on any case in which the defendant is being presented. The lead document for the filing is the violation report.

The available filing codes for violation reports are:

- 1. 32F Violation
- 2. 32F Technical Violation
- 3. 32F Technical Violation-Restitution
- 4. 46G Violation



Warrant Requests

Warrant requests shall be filed electronically and filed with specificity. The lead document for the warrant request can either be the violation report or the Rule 9 request document.

The available filing codes for warrant requests are:

- 1. Warrant Request 32F Technical Violation Report Filed
- 2. Warrant Request 32F Violation Report Filed
- 3. Warrant Request 46G Violation Report Filed
- 4. Warrant Request Rule 9

