

Rule 19. Warrant or Summons Upon Indictment; Appearance Before District Court**19.01 Issuance**

On the filing of an indictment, the court must issue a warrant for the arrest of each defendant named in the indictment, except that the court may issue a summons instead of a warrant when the prosecutor requests or the court directs, or if the defendant is a corporation.

The court may order an indicted defendant already in custody to be brought before the court at a specified date and time.

More than one warrant or summons may be issued for the same defendant. If a defendant, other than a corporation, fails to appear in response to a summons, a warrant must issue.

19.02 Form

Subd. 1. Warrant. The warrant must:

- (a) be signed by a judge;
- (b) contain the defendant's name or, if unknown, any name or description by which the defendant can be identified with reasonable certainty;
- (c) describe the offense charged; and
- (d) command the defendant's arrest and appearance in court.

The amount of bail and other conditions of release may be set by the court and stated in the warrant.

Subd. 2. Summons. The summons must be signed by the court and must summon the defendant to appear before the court at a specified time and place to answer to the indictment. A copy of the indictment must be attached to the summons.

19.03 Service of the Indictment

Subd. 1. By Whom. Any officer authorized by law may execute the warrant, and if authorized may also serve the summons. The court administrator may serve the summons in any manner authorized by subdivision 3 of this rule.

Subd. 2. Territorial Limits. The warrant may be executed or the summons served any place in the state, except where prohibited by law.

Subd. 3. Manner. The warrant must be executed or the summons served as specified in Rule 3.03, subd. 3.

Subd. 4. Certification. The execution of a warrant or the service of a summons must be certified as specified in Rule 3.03, subd. 4.

Subd. 5. Unexecuted Warrants. At the prosecutor's request made during the pendency of the indictment, a warrant returned unexecuted or a summons returned unserved, or a duplicate of either, may be delivered to any authorized officer or person for execution or service.

(Amended effective July 1, 2015.)

19.04 Defendant's Appearance in Court

Subd. 1. Appearance. The defendant must be taken promptly before the district court that issued the warrant.

Subd. 2. Statement to Defendant. A defendant appearing initially in the district court under an arrest warrant, or in response to a summons, must be advised of the charges. If the defendant has not received a copy of the indictment, the defendant must be provided with one.

The court must also advise the defendant in accordance with Rule 5.03 (Statement of Rights).

Subd. 3. Appointment of Counsel. If the defendant is not represented by counsel and cannot financially afford counsel, the court must appoint counsel as set out in Rule 5.04.

Subd. 4. Date for Arraignment. The court may arraign the defendant at the defendant's initial appearance on the indictment, if the defendant so requests and the court consents.

If the court does not arraign the defendant at the initial appearance, it must set a date for the arraignment not more than seven days from the initial appearance. The court may extend this date for good cause.

At the arraignment, whether at the initial appearance or at some later appearance before the Omnibus Hearing, the defendant may only enter a plea of guilty. A defendant who does not wish to plead guilty must not be asked to enter any other plea, and the arraignment must be continued until the Omnibus Hearing, where, under Rule 11.08 (Pleas), the defendant must plead to the indictment, or be given additional time to plead.

Subd. 5. Omnibus Hearing Date and Procedure. If at arraignment the defendant does not plead guilty, the court must schedule an Omnibus Hearing under Rule 11 not more than seven days from the arraignment, unless the court extends the time for good cause.

Subd. 6. Notice by Prosecutor. The procedures set out in Rules 7.01 (Notice of Omnibus Issues), 7.02 (Notice of Other Offenses), and 7.03 (Notice of Intent to Seek Aggravated Sentence) apply to cases prosecuted by indictment.

Subd. 7. Completion of Discovery. The procedure set out in Rule 7.04 for completion of discovery in felony, gross misdemeanor, and misdemeanor cases applies to cases prosecuted by indictment.

19.05 Bail or Conditions of Release

At the defendant's initial appearance in the district court following indictment, the court may, in accordance with Rule 6 (Pretrial Release), set bail or other conditions of release, or may continue or modify bail or conditions of release previously ordered.

19.06 Record

A verbatim record must be made at the defendant's initial appearance, arraignment, and Omnibus Hearing.

Comment - Rule 19

Rule 19 relating to the warrant or summons on an indictment and the subsequent procedures parallels for the most part Rules 3, 4, 5, 8, and 11 governing the warrant or summons on a complaint and the procedures subsequently followed, all of which lead up to the Omnibus Hearing under Rule 11. Rule 19 reflects the necessary differences between the procedures under an indictment and under a complaint.

If a corporation does not respond to a summons issued under Rule 19.01, the court may proceed as provided in Rule 14.02, subd. 5.

The parties must serve their motions under Rule 10 at least three days before the Omnibus Hearing (Rule 10.03) (including motions to suppress based on the Rasmussen notice given under Rule 19.04, subd. 6). See also comments to Rules 11.02 and 11.04.

The Omnibus Hearing must be held in the district court in accordance with the provisions of Rule 11. See comments to Rule 11. If at the Omnibus Hearing the defendant wishes to challenge the sufficiency of the evidence heard by the grand jury to support the indictment, Rules 17.06, subd. 2(1)(a) and 18.05, subds. 1 and 2 govern that challenge. The provision in Rule 11.03 concerning a motion that an insufficient showing of probable cause has been made applies only to complaints and not to indictments.