

RULE CR-6B. DIVISION IN WHICH INDICTMENT MAY BE PRESENTED AND FILED.

(a) In General. A case may be presented to a grand jury and may be filed in the following divisions:

- (1)** any division in which the offense was committed, in whole or in part; or
- (2)** with leave of the district judge supervising the grand jury before which the case is presented, any division whose borders are contiguous to any division in which the offense was committed, in whole or in part.

(b) Multiple Offenses. A case involving multiple offenses committed in separate divisions that are joined for indictment under Federal Rule of Criminal Procedure 8(a), may be presented to a grand jury in, and may be filed in, any division in which any one of the joined offenses could be presented and filed under subsection (a).

(c) Multiple Defendants. A case involving multiple defendants who are joined under Federal Rule of Criminal Procedure 8(b), may be presented to a grand jury in, and may be filed in, any division in which any one of the joined defendants could be charged under subsection (a).

Committee Notes

1. Rule CR-6B is a new rule that prescribes procedures for presentment and filing of indictments in divisions of the district. The rule allows, in certain circumstances, for an indictment to be presented and filed in a division contiguous to the one in which the offense was committed.
2. Leave of the district judge under subsection (a)(2) will normally be sought only when indictment in a division other than that in which the crime was committed is thought necessary to ensure a speedy trial, to avoid prejudice against the defendant, or when doing so would be in the interest of justice. The Committee contemplates that leave of the district judge will be documented in writing. Prosecution in contiguous divisions is currently allowed in Appendix D, the Amended Plan for the Random Selection of Grand and Petit Jurors in the Western District of Texas. Subsection (a)(2) deviates from the procedures in Appendix D, which currently requires the approval of the chief judge.