

1 **Rule 4A. Prosecution by indictment.**
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3 (a) A prosecution may be commenced by the filing of an indictment. The indictment shall be
4 filed in a format and according to the rules of the Judicial Council.
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6 (b) The filing shall include the defendant's name, date of birth, and last known address. Other
7 identifying information may be provided in accordance with rules of the Judicial Council
8 concerning electronic filing, as long as the actual indictment document does not include
9 non-public records. If the name of the defendant is not known, the prosecution shall identify the
10 defendant as John or Jane Doe, and include any identifying information known.
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12 (c) An indictment shall charge the offense for which the defendant is being prosecuted by using
13 the name given to the offense by common law or by statute or by stating in concise terms the
14 definition of the offense sufficient to give the defendant notice of the charge.
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16 (d) The court may strike any surplus or improper language from an indictment.
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18 (e) The court may permit an indictment to be amended after the trial has commenced but before
19 verdict if no additional or different offense is charged and the substantial rights of the defendant
20 are not prejudiced. After verdict, an indictment may be amended so as to state the offense with
21 such particularity as to bar a subsequent prosecution for the same offense upon the same set of
22 facts.
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24 (f) When facts not set out in the indictment are required to inform a defendant of the nature and
25 cause of the offense charged, so as to enable the defendant to prepare a defense, the defendant
26 may file a written motion for a bill of particulars. The motion shall be filed no later than ten days
27 after arraignment unless allowed by the court. The court may, on its own motion, direct the filing
28 of a bill of particulars. A bill of particulars may be amended or supplemented at any time subject
29 to such conditions as justice may require. The request for and contents of a bill of particulars
30 shall be limited to a statement of factual information needed to set forth the essential elements of
31 the particular offense charged.
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33 (g) The names of any adult witnesses on whose evidence the indictment was based shall be listed
34 on the indictment before it is filed.
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36 (h) Failure to include those names does not invalidate the indictment. Similarly, misspelled
37 names or the use of a disjunctive clause instead of a conjunctive does not invalidate the
38 indictment. Upon request of the defense, the prosecuting attorney shall, except upon a showing
39 of good cause, furnish the names of the witnesses whose names are not so endorsed.