

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 21-06

(Declaration of a Rules Emergency Under Super. Ct. Crim. R. 62)

WHEREAS, due to the coronavirus disease 2019 (COVID-19) pandemic, the National Emergency declared by President Donald J. Trump on March 13, 2020, and continued by President Joseph R. Biden, Jr., on February 24, 2021, and the public health state of emergency in the District of Columbia, first declared by Mayor Muriel Bowser on March 11, 2020, remain in effect; and

WHEREAS, new Superior Court Rule of Criminal Procedure 62 authorizes the Chief Judge to declare a rules emergency and suspend certain specified criminal rules if the Chief Judge finds that extraordinary circumstances relating to public health and safety substantially impair the court's ability to perform functions in compliance with certain Superior Court Rules of Criminal Procedure and that no feasible alternative measures would eliminate the impairment within a reasonable time; and

WHEREAS, the Chief Judge finds that the COVID-19 pandemic continues to present extraordinary circumstances relating to public health and safety that substantially impair the court's ability to perform functions in compliance with Superior Court Rules of Criminal Procedure 4, 5, 9, 10, 24, 43, and 53, and that no feasible alternative measures will eliminate the impairment within a reasonable time; and

WHEREAS, pursuant to Superior Court Rule of Criminal Procedure 62(d)(2)(A), the Chief Judge further finds that emergency conditions substantially impair the court's ability to hold in-person proceedings within a reasonable time; and

WHEREAS, pursuant to Superior Court Rule of Criminal Procedure 62(d)(3)(A), the Chief Judge further finds that emergency conditions substantially impair the court's ability to hold felony pleas and sentencings in person; and

WHEREAS, the Joint Committee consents to the Chief Judge declaring this rules emergency for 90 days;

NOW, THEREFORE, it is hereby,

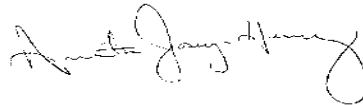
ORDERED, that this declaration of a rules emergency shall be effective immediately; and it is further

ORDERED, that Superior Court Rule of Criminal 62(c)(1), (c)(2), (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), and (d)(4) shall be effective during this rules emergency; and it is further

ORDERED, that this declaration shall terminate on August 24, 2021, unless terminated early pursuant to Superior Court Rules of Criminal Procedure 62(b)(2); and it is further

ORDERED, that the emergency authority granted by the emergency amendments to Superior Court Rule of Criminal Procedure 43, which will expire on May 31, 2021, is hereby terminated.¹

SO ORDERED.



May 26, 2021 at 5:00 p.m.

Anita M. Josey-Herring
Chief Judge

Copies to:

Judges
Magistrate Judges
Executive Officer of the Court
Clerk of the Court
Division Directors
District of Columbia Bar
Daily Washington Law Reporter
Library
Laura Wait, Associate General Counsel

¹ Emergency amendments to Superior Court Rule of Criminal Procedure 43 currently permit the use of videoconferencing and teleconferencing in certain proceedings. The emergency amendments will expire on May 31, 2021. These emergency amendments have been replaced by the permanent provisions in Superior Court Rule of Criminal Procedure 62 that, when included in a rules emergency declaration, permit videoconferencing and teleconferencing for certain proceedings during a rules emergency.