

**OCTOBER 23, 2020 FIFTH CRIMINAL DIVISION STANDING ORDER
ESTABLISHING PROCEDURES, EFFECTIVE IMMEDIATELY, FOR SCHEDULING
OF HEARINGS UPON REQUEST OF COUNSEL**

The Criminal Division is currently operating sixteen remote or partially remote courtrooms, primarily dedicated to the case level and hearing types as set forth below. Effective October 27, 2020, the Criminal Division has modified the hearing profiles for existing courtrooms 210 and 215, as highlighted in bold.

Since the declaration of judicial emergency on March 18, 2020, the Criminal Division has continued to operate the following courtrooms:

1. C-10: arraignments, presentments, extraditions, walk in bench warrants after 1pm
2. 115: detained defendants-bond review motions, sentencing, status hearings

On May 15, 2020, the Criminal Division expanded court operations to allow for the scheduling of matters in four additional remote courtrooms:

3. 111: non-detained defendants-status and sentencing hearings, alternating between misdemeanor and felony weeks
4. 210: detained defendants- **status and sentencing hearings, misdemeanor detention hearings**
5. 213 AM: detained defendants-status and sentencing hearings
213 PM: status hearings set from C-10 for detained defendants
6. 317: defendants at St. Elizabeth's Hospital-mental observation hearings

On July 6, 2020, the Criminal Division added four partially remote courtrooms to enable the defendant to appear in person before the judge assigned to the courtroom, with counsel and other participants appearing in person or remotely via video or teleconference:

7. 112: non-detained defendants-status and sentencing hearings; pretrial and probation show cause hearings; walk in bench warrants prior to 1pm
8. 211: detained defendants- Felony 1 preliminary hearings
9. 215: detained defendants- **Felony 2 and** Felony 3 preliminary hearings
10. 203: detained defendants- co-defendant preliminary hearings

On July 15, 2020, the Criminal Division added two additional remote courtrooms:

11. 218: defendants detained in a Bureau of Prisons (BOP) or Department of Youth Rehabilitation Services (DYRS) or other non-DOC facility, non-detained defendants or hearings with defendant's presence waived
12. 311: same as above

Since August 14, 2020, the Criminal Division added four additional remote courtrooms:

13. 220: non-emergency probation show cause hearings; hearings to be scheduled from chambers.
14. 312: non-detained citation release cases prosecuted by the United States Attorney's Office (USAO), hearings to be scheduled by defense counsel in consultation with USAO and docket sent to the Criminal Division 72 hours in advance.
15. 313: non-detained matters prosecuted by the Office of the Attorney General (OAG); hearings to be scheduled by defense counsel in consultation with OAG and docket sent to the Criminal Division 72 hours in advance.
16. 314: remote scheduling hearings in detained cases; defendant's presence waived; hearings to be scheduled by separate order.

Defense counsel may file a motion requesting a hearing and shall comply with all the following requirements:

For scheduling of hearings before the *assigned case judge* in Courtrooms 111 (W/TH/F, defendant on release); 115 and 210 (M/T/W/F, defendant detained at DC Jail), 213 (Friday only, defendant detained at DC Jail); 218 and 311 (M-F, defendant on release or detained at DYRS or BOP); 317 (Thursday only, defendant at St. Elizabeth's Hospital):

Defense counsel shall eFile the motion with the case judge(s) and send a copy to the Judge's Chambers' Email, i.e. Judge[LastName]Chambers@dcsc.gov. If the case judge determines that a hearing is warranted, chambers will send an email to CriminalCourtroomSupportScheduling@dcsc.gov to request that a hearing be scheduled.

The motion must clearly set forth the following prior to the body of the motion:

- 1) the subject of the motion and the appropriate courtroom based upon the status of the defendant; i.e Motion Requesting Status for Entry of Plea/Sentencing; Courtroom 115, 210 or 213(detained) or 111(non-detained);
- 2) whether the USAO or OAG consents to the setting of a hearing;
- 3) whether the defendant consents to participate in the hearing via video or teleconference;
- 4) regardless of whether the USAO or OAG consent to the setting of a hearing, four proposed hearing dates mutually available to government and defense at least one week out from the filing of the motion in detained cases and 72 hours out in non-detained cases.
- 5) The e-mail addresses for attorneys for the defense and government counsel.
- 6) Parties are requesting that the hearing be set before the assigned case judge.

For scheduling of hearings before the *judge assigned to the courtroom* in Courtrooms 112 (defendant on release), 213-AM (M-TH, defendant detained at DC Jail) or 317 (M/W/F, defendant at St. Elizabeth's hospital):

Defense Counsel shall eFile the motion with the case judge (i.e. the assigned judge) AND send a copy to CriminalCourtroomSupportScheduling@dcsc.gov to request that a hearing be set. The motion must clearly set forth #1-5 above prior to the body of the motion, and also:

- 6) Parties agree to the hearing being set before the judge assigned to the calendar rather than the judge assigned to the case.

If a hearing is granted, Case Management staff will process the motion and schedule the hearing on one of the proposed hearing dates. Courtroom support staff will email the parties informing them of the hearing date, or that none of the suggested dates are available and requesting that additional mutually available dates be submitted.

Note that for cases set in Courtrooms 115, 210, 213 and 317 (both before the case judge or the courtroom judge), counsel will initially be provided with a block of time (between 9AM and 1PM or 2PM and 4PM) during which they must remain available. By close of business the day before the hearing, counsel will be provided with a time certain for the hearing, based upon information received from the Department of Corrections and the Department of Behavioral Health about the defendant's location within the respective facility to facilitate the participation of the defendant.

For scheduling in:

- **Courtroom 213-PM calendar (status hearings set from C-10 for detained defendants);**
- **Courtroom 210 (remote detention hearings for detained defendants in misdemeanor cases);**
- **Courtroom 211 and 215 (partially remote preliminary hearings for detained defendants in F1 and F2/ F3 cases respectively);**
- **Courtroom 203 (partially remote preliminary hearings for detained co-defendants):**

Commencing on March 18, 2020, status hearings were set for all defendants detained following their initial appearance in C-10. **The status hearing will proceed on the originally scheduled date at 2PM in Courtroom 213; no motion need be filed.** Counsel must comply with the terms of the October 21, 2020 *Standing Order Governing Scheduling Hearings in Courtroom 213: PM Calendar*. The purpose of the status hearing will be limited only to scheduling, (either a preliminary hearing; a further scheduling hearing; or a substantive status hearing, including dispositions or preliminary hearing waivers on the Courtroom 213-AM calendar); for that reason, the defendant's presence will be waived.

Upon the request of defense counsel, the Calendar 213 courtroom judge will set a Preliminary Hearing/Detention Hearing in Courtroom 203, 210, 211 or 215 based upon case type and the mutual availability of the parties, any necessary witnesses and court availability. Preliminary Hearings will be set in Felony 1 cases in 211 at 9:30 AM; in Felony 2 and Felony 3 cases in 215 at 9:30AM and 2:15PM; co-defendant cases will be set in 203. Misdemeanor detention hearings will be set in 210 210 at 2:15PM.

For scheduling of Pretrial and Probation Show Cause Hearings in 112:

Pretrial Services Agency and Court Services and Offender Supervision Agency shall eFile Alleged Violation Reports [AVRs] and Requests for Judicial Action with the case judge(s) and send a copy to the Judge's Chambers' Email, i.e. Judge[LastName]Chambers@dcsc.gov. **THE AVR JUDGE WILL NOT BE ACCEPTING PRETRIAL AND PROBATION REPORTS AFTER MAY 14, 2020.**

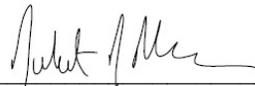
Chambers will obtain four mutually available proposed hearing dates from counsel and Pretrial Services/CSOSA and email CriminalCourtroomSupportScheduling@dcsc.gov to request that a hearing be scheduled. Courtroom support will schedule the hearing in Courtroom 112 before the 112 courtroom judge based on the four mutually available proposed hearing dates and the available timeslots. Chambers will notify the parties of the scheduled date by e-mail.

Motions for Bond Review/Release from Detention Based on COVID-19 Pandemic:

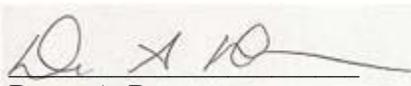
Defense counsel shall eFile the motion with the case judge pursuant to the procedures set forth in the May 15, 2020 Criminal Standing Order. If the case judge determines that a hearing is warranted, chambers will send an email to CriminalCourtroomSupportScheduling@dcsc.gov to request that a hearing be scheduled. Courtroom support will schedule the hearing based on the three mutually available proposed hearing dates and the available timeslots. Chambers will notify the parties of the scheduled date by e-mail.

In advance, the court expresses its appreciation to counsel for compliance with this order and cooperation during these challenging times.

SO ORDERED, this 23rd day of October, 2020.



Juliet J. McKenna
Presiding Judge, Criminal Division



Danya A. Dayson
Deputy Presiding Judge, Criminal Division