

## CRIMINAL STANDING ORDER of MAY 15, 2020

### ORDER ESTABLISHING PROCEDURES, EFFECTIVE IMMEDIATELY, FOR FILING EMERGENCY MOTIONS FOR RELEASE FROM CUSTODY DUE TO THE COVID-19 PANDEMIC

In light of the anticipated limited expansion of court operations, effective May 15, 2020, any motion seeking relief from detention must comply with all the following requirements, which shall supersede the standing order of March 22, 2020.

1. The motion must be titled “Motion for Release from Detention Based on the COVID-19 Pandemic” and defense counsel will eFile the motion with the case judge(s) (i.e. the assigned judge(s)) and send a copy to the Judge’s Chambers’ Email, i.e. Judge[LastName][Chambers@dcsc.gov](mailto:Chambers@dcsc.gov). **THE AVR JUDGE WILL NOT BE ACCEPTING BOND REVIEW FILINGS AFTER MAY 14, 2020;**
2. Immediately below the title and before the text of the motion itself, the motion must contain answers to each of the following questions, labeled with the letter that corresponds with the question below:
  - a. Is the defendant 60 years old or older? If so, specify the defendant’s age;
  - b. Does the defendant have a documented health condition that puts them especially at risk with respect to COVID-19? If so, specify the health condition and provide details about how the health condition is documented;<sup>1</sup>
  - c. Is the defendant charged only with non-assaultive misdemeanors? If so, specify all the charges;
  - d. Is the defendant charged only with felonies that are not crimes of violence? If so, specify all the charges;
  - e. Is the defendant being detained pretrial or post-conviction and pending sentencing?
  - f. What is the opposing party’s position on your motion?
  - g. Has the Defendant previously filed and had ruled on, a bond review motion based on the COVID-19 Pandemic?
  - h. Specify whether the parties agree to the case being heard by the courtroom judge assigned to Courtroom 115 each week, the case judge, or have no preference;
  - i. Three proposed hearing dates mutually available to government and defense.
  - j. The e-mail addresses for attorneys for the defense and government counsel.

In responding to such motions, the Government shall certify that it has made efforts consistent with its obligations pursuant to D.C. Code § 23-1902 *Notice to crime victims* and 18 U.S.C. § 3771.

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<sup>1</sup> If the defendant has such health conditions, counsel may answer “See Filed Exhibit 1” and file the detailed answer and any supporting documentation in a sealed exhibit to the motion, labeled “Exhibit 1: Answer to Question B.”

If the judge determines a hearing is appropriate, Chambers will send an email to [CriminalCourtroomSupportScheduling@dcsc.gov](mailto: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, the appropriate calendar and the available timeslots. Chambers will notify the parties of the scheduled date by e-mail.

Motions for release based on the COVID-19 Pandemic filed after issuance of this order that are not in strict compliance with the requirements of this order will be denied by a docket entry that reads “Denied without prejudice to refile based on Criminal Division Standing Order of May 15, 2020.” No separate order will issue.

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

SO ORDERED this 15th day of May, 2020.

/s/

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Juliet J. McKenna  
Presiding Judge, Criminal Division

/s/

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Danya A. Dayson  
Deputy Presiding Judge, Criminal Division