

CRIMINAL STANDING ORDER of DECEMBER 14, 2020

ORDER ESTABLISHING PROTOCOLS, EFFECTIVE IMMEDIATELY, FOR SCHEDULING HEARINGS SET IN REMOTE COURTROOM 314¹ and TRIAL READINESS HEARINGS IN REMOTE COURTROOM 321

WHEREAS, the primary purpose of the scheduling hearing in remote Courtroom 314 is to (1) set a trial readiness hearing in each detained felony case previously set for a trial date that was vacated or converted to a status hearing due to the COVID-19 pandemic, the Mayoral declaration of public health emergency and the D.C. Superior Court Chief Judge's declaration of a judicial emergency, and (2) to set a further scheduling hearing in all other detained felony cases that were not previously set for trial; and

WHEREAS, the primary purpose of the remote Courtroom 321 trial readiness hearing is to select a new date for a jury trial at least sixty days in advance and schedule hearings for the resolution of pre-trial matters with the defendant present,² based, as closely as is practicable, upon the length of and statutory basis for the defendant's detention and

WHEREAS, the defendant's presence will be waived for the purpose of these scheduling hearings, given the limitations on the ability of defendants to appear via videoconference from the D.C. Jail; and

WHEREAS, due to the COVID-19 pandemic and the Mayoral declaration of a public health emergency, as well as the D.C. Superior Court Chief Judge's declaration of a judicial emergency, all rule based and statutory time limits applicable in criminal matters have been suspended, tolled and extended pending further order of the Court, including the 100-day trial clock pursuant to D.C. Code § 23-1322(h); and

WHEREAS, consistent with the health and safety of all court participants the D.C. Superior Court continues to operate primarily remotely, with the exception of a limited number of Criminal Division hearings; and

WHEREAS, notwithstanding remote operations and the suspension of time limits, the Criminal Division will undertake to offer detained defendants the earliest opportunity to schedule a date for a jury trial at such time that members of the public are able to be summoned for jury duty consistent with the health and safety of all trial participants; and

WHEREAS, these opportunities will remain strictly limited due to the ongoing health pandemic and declaration of judicial emergency; and

WHEREAS, prior to the 314 scheduling hearing, the Criminal Division will distribute an annotated CR314 schedule designating the week, hearing type and remote courtroom each detained pre-trial case should be set,

¹ To the extent that the number of hearings set on any given day exceed scheduling capacity in remote Courtroom 314, cases may be set in remote Courtroom 321 for the same purpose.

² The defendant may appear remotely or in person for non-evidentiary substantive pre-trial matters.

WHEREAS, adherence to the following directives will assist in ensuring that parties will be prepared to address all issues that may impact trial readiness and that cases set for a jury trial are in fact ready to proceed forward on the date set;

IT IS HEREBY ORDERED that, prior to the scheduling hearing in Courtroom 314, parties must comply with the following directives:

GOVERNMENT AND DEFENSE COUNSEL (including any co-defendant's counsel) must communicate with one another to discuss:

- 1) potential resolution of the case prior to trial;
- 2) status of forensic testing, pending discovery requests and the terms of any protective order sought by the Government;
- 3) if a trial readiness hearing date is to be set, four mutually agreeable court dates during or subsequent to the week designated in the annotated CR314 schedule;
- 4) whether a pending or anticipated motion to suppress will be dispositive;
- 5) if a hearing is to be set in another remote courtroom with the defendant present via videoconference from the D.C. Jail, the purpose of such hearing and four mutually agreeable court dates.

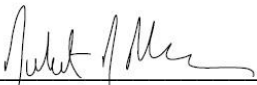
IT IS FURTHER ORDERED that, prior to the trial readiness hearing in Courtroom 321, parties must comply with the terms of the Order in Preparation for Trial Readiness Hearing issued following the scheduling hearing, an example of which is attached here as Addendum A and which may be modified in an individual case;

IT IS FURTHER ORDERED that, if either **GOVERNMENT OR DEFENSE COUNSEL** is unable to comply with the above directives by the time of the 314 scheduling hearing or 321 trial readiness hearing, parties shall request a further scheduling hearing, either in writing or at the time of the hearing, prior to setting the case for a jury trial;

IT IS FURTHER ORDERED that, if either **GOVERNMENT OR DEFENSE COUNSEL** needs to continue or vacate the trial date, they shall notify the Criminal Division Presiding and Deputy Presiding Judges' Chambers as soon as possible, and preferably two weeks in advance of the scheduled trial date, so that another case may be scheduled in its place.

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

SO ORDERED, this 14th day of December, 2020.



Juliet J. McKenna
Presiding Judge, Criminal Division



Danya A. Dayson
Deputy Presiding Judge, Criminal Division