

**CRIMINAL DIVISION STANDING ORDER OF SEPTEMBER 2, 2021, AMENDING  
PRIOR ORDERS, ESTABLISHING PROTOCOLS, EFFECTIVE SEPTEMBER 7, 2021,  
FOR PHASE TWO OF THE MISDEMEANOR CASE PLAN AND EXPANSION OF  
COMMUNITY COURT CALENDARS**

**WHEREAS**, during the COVID-19 public health emergency, as first declared by the Mayor of the District of Columbia on March 11, 2020, the DC Courts substantially modified operations in order to ensure the safety and well-being of litigants, counsel, other members of the public and court personnel, pursuant to the March 18, 2020 Order Regarding Operation of the D.C Courts during the Coronavirus Emergency issued by the Joint Committee on Judicial Administration, and the March 15, 2020 Order and successive orders issued by the Chief Judge regarding Superior Court operations, to include the Criminal Division; and

**WHEREAS**, the Criminal Division remains committed to protecting the health and safety of defendants, witnesses, victims, counsel, court personnel, jurors and other members of the public; and

**WHEREAS**, commencing on May 10, 2021, hearings in non-detained misdemeanor cases resumed in virtual Courtrooms 312-R and 313-R for citation arraignment and in 116-R for initial status hearings; and

**WHEREAS**, commencing on July 19, 2021, the Community Court calendars, to include the 1D, 2D/4D, 3D/5D, and 6D/7D, resumed on a bi-weekly schedule, and the DC OAG calendar resumed on a weekly schedule, for detained nonjury trials and both in-person and remote hearings; and

**WHEREAS**, the D.C. Superior Court Criminal Division will expand in-person proceedings on September 7, 2021 and all Community Court calendars will resume on a weekly schedule for detained and non-detained nonjury trials and both in-person and remote hearings; and

**WHEREAS**, pursuant to Superior Court Rules of Criminal Procedure 62(d), currently in effect until November 21, 2021, and which may be extended, a defendant may orally consent to appear by telephone or videoconference in misdemeanor cases, including for arraignment, plea and sentencing; and

**WHEREAS**, pursuant to Superior Court Rules of Criminal Procedure 43(b)(2), a defendant may consent in writing to appear by videoconference in misdemeanor cases, including for arraignment, plea and sentencing; and

**WHEREAS**, thousands of misdemeanor cases are currently pending;

**IT IS HEREBY ORDERED** that Phase Two of the Misdemeanor Case Plan shall commence on **September 7, 2021** and proceed as follows:

- I. Non-detained Citation Arraignments:** will proceed remotely on a combined OAG and USAO Citation/Diversion Calendar.

Cases currently scheduled in Courtroom 312-R and 313-R will be consolidated on the Citation/Diversion Calendar.

Login at: <https://dccourts.webex.com/meet/ctb313>  
<https://dccourts.gov/citationus>  
<https://dccourts.gov/citationoag>  
or 129 311 6590<sup>1</sup>

Individuals who are unable to appear remotely may report to community based Remote Hearing Sites or Room 3131 of the courthouse to obtain assistance in logging in remotely for their hearing or appear in-person on their citation arraignment date in Courtroom C-10 at 1PM.

Disposition paperwork, including Deferred Prosecution, Deferred Sentencing, STET, and Plea Agreements, and sentencing materials should be emailed to [CitationDiversionJudge@dcsc.gov](mailto:CitationDiversionJudge@dcsc.gov) 72 hours in advance of the scheduled hearing with the following information in the Subject line: [Date of Hearing] [Defendant Last Name, First Name] [Case Number].

Citation Arraignment cases in which a DPA, DSA, STET or plea agreement is entered shall remain on this calendar through the end date of the agreement or imposition and completion of sentence, with the exception that if probation may be revoked to incarceration, the case shall be transferred to the appropriate community court calendar.

Citation Arraignment cases in which the defendant requests to appear in person or in which a trial date will be set shall be transferred to the appropriate community court calendar for a status or trial readiness hearing, at which time a trial date will be set by the calendar judge.

Initial competency screening returns shall remain on this calendar. If the defendant is found not to be competent, further outpatient mental observation hearings shall be set on the appropriate community court calendar.<sup>2</sup>

All misdemeanor DPA, DSA, and STET Agreement end dates shall be set on the Citation/Diversion Calendar on Mondays and Fridays.

**II. All other non-detained and detained cases:** will proceed on the assigned Community Court Calendar, which will operate both remotely and in-person, in the designated courtroom:

Courtroom 112-R: 1D (Judge Smith)  
<https://dccourts.webex.com/meet/ctb112>  
or 129 912 7159

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<sup>1</sup> Telephone users can access all remote hearings by calling: 202-860-2110 (local) 844-992-4726 (toll free) and typing in the Meeting ID associated with that courtroom.

<sup>2</sup> Inpatient mental observation hearings for defendants at St. Elizabeths Hospital will be set on the DBH Inpatient Calendar and heard by the calendar judge; see “Cases involving defendants at St. Elizabeths Hospital” below.

Courtroom 314-R: 2D/4D (Judge Pittman)  
<https://dccourts.webex.com/meet/ctb314>  
or 179 694 1147

Courtroom 218-R: 3D/5D (Judge Wellner)  
<https://dccourts.webex.com/meet/ctb218>  
or 129 515 6417

Courtroom 116-R: 6D/7D- M/T/W (Judges Fisher/Nooter/TBA)<sup>3</sup>  
<https://dccourts.webex.com/meet/ctb116>  
or 179 896 0679

Courtroom 310-R: DC OAG Calendar (Magistrate Judge)  
<https://dccourts.webex.com/meet/ctb310>  
or 129 966 2646

Courtroom 316-R: DC OAG Calendar M/T/W (Magistrate Judge)  
<https://dccourts.webex.com/meet/ctb316>  
or 129 547 9121

Community Court cases will remain on the designated calendar through case closure, with the exception that DPA, DSA, and STET Agreement end dates shall be set on the Citation/Diversion Calendar on Mondays and Fridays.

- III. Mental Health Court Admissions:** Cases approved for and seeking admission into Mental Health Court shall be scheduled in 111-R on Tuesday or Thursday for a remote admission hearing into Mental Health Court.
- IV. Drug Court Admissions:** Cases approved for and seeking admission into SCDIP shall be set in 111-R on Wednesday at 2pm for a remote hearing, pending the defendant's final acceptance into the program.

**IT IS FURTHER ORDERED** that the parties shall make every effort to comply with the following expectations in advance of all citation arraignment, initial status and community court calendar hearings:

At the earliest possible opportunity and no later than two weeks prior to the scheduled hearing date, **GOVERNMENT COUNSEL** shall:

- 1) provide defense counsel all available discovery to which they will be entitled pursuant to Superior Court of Criminal Procedure 16 and any additional disclosures required pursuant to *Brady*, regardless of whether the defendant has yet to be arraigned;
- 2) if in its discretion it determines that a plea or diversion offer is to be extended, provide the terms of such offer to defense counsel;
- 3) if the case was previously set for sentencing and continued due to the declaration of judicial emergency, or upon notification that the defendant will be accepting the plea

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<sup>3</sup> 6D: unassigned; pleadings and reports should be filed with Judge Fisher; 7D: unassigned; pleadings and reports should be filed with Judge Nooter.

offer, prepare for sentencing, including making best efforts to satisfy any obligation pursuant to D.C. Code § 23-1902 *Notice to crime victims* and 18 U.S.C. § 3771.

In addition to the foregoing, the **GOVERNMENT** is strongly encouraged to review each case in advance of the scheduled hearing and reevaluate the viability of the continued prosecution.

At the earliest possible opportunity and no later than one week prior to the scheduled hearing date, **DEFENSE COUNSEL** shall:

- 1) make best efforts to establish contact with the defendant to inform them of their upcoming court date and provide remote log in information; if a defendant is unable to appear remotely, counsel may refer them to one of the DC Courts remote access hearing sites: <https://www.dccourts.gov/sites/default/files/Remote-Hearing-Sites-Tip-Sheet-3.pdf> or contact the judge assigned to the calendar to request that the case be transferred to the appropriate community court calendar for an in-person hearing;
- 2) communicate the terms of any plea or diversion offer to the defendant;
- 3) inform government counsel if additional discovery is being requested and/or whether the defendant wishes to accept the plea or diversion offer;
- 4) if the case was previously set for sentencing and continued due to the declaration of judicial emergency, or if the defendant will be accepting the plea offer, prepare for sentencing, including submitting proposed findings if sentencing under the Youth Rehabilitation Act is being sought.

If a trial is to be requested at the status hearing on the Community Court Calendar, both **GOVERNMENT and DEFENSE** shall consult with their potential witnesses in advance of the hearing. If a trial is requested at a status hearing on the Citation/Diversion or Misdemeanor Initial Status Hearing Calendar, a trial readiness date will be set on the assigned Community Court Calendar for purposes of selecting a trial date and parties shall consult with their potential witness in advance of the hearing to determine their availability to appear in-person to provide testimony.

It is **FURTHER ORDERED** that motions, pretrial reports of noncompliance and probation violation reports shall continue to be filed with the assigned case judge; and it is

**FURTHER ORDERED** that if parties are appearing remotely, they should make every effort to submit fully executed disposition paperwork to the calendar judge's chambers 24 hours in advance of the hearing; for pleas and DSAs to be entered on the OAG calendars a consent to plea before a Magistrate Judge must also be provided.<sup>4</sup> However, if one or more parties are unable to sign the disposition paperwork for any reason, parties shall submit the unexecuted documents and the Court shall obtain remote authorization from each party to record their electronic signature on the paperwork; and it is

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<sup>4</sup> OAG Calendars: OAGCOMMUNITYCOURT@dsc.gov 1D: JudgeSmithChambers@dsc.gov; 2D/4D: JudgePittmanChambers@dsc.gov; 3D/5D: JudgeWellnerChambers@dsc.gov; 6D/7D: disposition paperwork: 6D/7DCOMMUNITYCOURT@dsc.gov; 6D pleadings and reports: JudgeFisherChambers@dsc.gov; 7D pleadings and reports: JudgeNooterChambers@dsc.gov.

**FURTHER ORDERED** that the parties shall appear before court as follows:

**Until further notice, the following calendars will proceed entirely remotely and all parties must appear by video to the extent possible and, if unable to appear by video, by telephone.**

Citation Arraignment/Diversion Calendar

<https://dccourts.webex.com/meet/ctb313>

<https://dccourts.gov/citationusao>

<https://dccourts.gov/citationoag>

or 129 311 6590

Mental Health Community Court

Superior Court Drug Intervention Program (Drug Court)

<https://dccourts.webex.com/meet/ctb111>

or 129 350 4013

Individuals who are unable to appear remotely may report to Room 3131 of the courthouse to obtain assistance in logging in remotely for their hearing. Counsel may also contact the judge assigned to the calendar to request that the case be transferred to the appropriate community court calendar for an in-person hearing or other arrangements made to facilitate an in-person appearance.

**Until further notice, the Community Court Calendars, to include the 1D, 2D/4D, 3D/5D, and 6D/7D and the DC OAG calendar will operate both remotely and in-person.**

**Cases involving defendants on release:**

Unless ordered by the court to appear in-person or for a detention hearing or trial, non-detained defendants are encouraged to appear by video to the extent possible and, if unable to appear by video, by telephone.

If the defendant will be appearing remotely, counsel (both government and defense), may also appear by video.

If the defendant will be appearing in-person, counsel (both government and defense), shall also appear in-person.

**Cases involving detained defendants:**

Detained defendants in misdemeanor cases may continue to appear remotely from the D.C. Jail for all hearings, with the exception of detention hearings and trial, according to the remote hearing profiles established for each Community Court Calendar as set forth below and in Attachment A: SCHEDULE FOR REMOTE VIDEO HEARINGS FROM D.C. JAIL:

**Community Court 2D/4D:**

5 mornings/week with 3 hearing slots/day (10, 11AM and 12PM)

**Community Court 1D and 3D/5D on alternating weeks:**

5 days/week with 5 hearing slots/day (9:30, 10:30 and 11:30AM, 12:15 and 2PM)

**Community Court 6D and 7D:**

3 days/week (Monday, Tuesday, Wednesday- no hearings last Monday of month) with 5 hearing slots/day (9:30, 10:30 and 11:30AM, 12:15 and 2PM)

**OAG Community Courts:**

1 day/week (Friday) with 5 hearing slots/day (9:30, 10:30 and 11:30AM, 12:15 and 2PM)

If the defendant will be appearing remotely, counsel (both government and defense), may also appear by video.

If the defendant does not consent to appearing remotely and will be appearing in-person, counsel (both government and defense), shall also appear in-person.

**Cases involving defendants at St. Elizabeths Hospital:**

Defendants at St. Elizabeths Hospital may continue to appear remotely for all hearings, with the exception of detention hearings and trial, according to the remote hearing profile established for the DBH Inpatient Calendar.

<https://dccourts.webex.com/meet/ctbDBH>

or 179 174 2726.

If the defendant will be appearing remotely, counsel (both government and defense), may also appear by video.

If the defendant does not consent to appearing remotely and will be appearing in-person, counsel (both government and defense), shall also appear in-person.

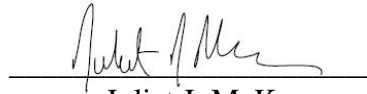
**Pretrial Services and Court Services and Offender Supervision Agency representatives** may appear in person, but are encouraged to continue to appear remotely by video or telephone if possible.

**Victims of crime** may appear in person, but are encouraged to continue to appear remotely by video or telephone if possible.

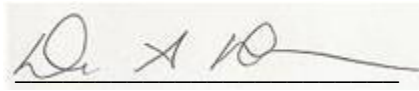
**Members of the public** may attend in person, subject to capacity limitations, but are encouraged to continue to observe court proceedings remotely.

The court expresses its appreciation to counsel in advance for compliance with this order and cooperation during the Criminal Division's expansion of Misdemeanor Court operations.

**SO ORDERED**, this 2nd day of September, 2021.



Juliet J. McKenna  
Presiding Judge, Criminal Division



Danya A. Dayson  
Deputy Presiding Judge, Criminal Division

**ATTACHMENT A**

**SCHEDULE FOR REMOTE VIDEO HEARINGS FROM D.C. JAIL EFFECTIVE  
SEPTEMBER 13, 2021**

**1D COMMUNITY COURT CALENDAR DOC REMOTE CALENDAR WEEKS (112-R)**

**SEPTEMBER**

**September 20- 24**

**OCTOBER**

**October 4 –8**

**October 18- 22**

**NOVEMBER**

**November 1- 5**

**November 15-19**

**November 19-December 1 (December 2 and 3 – in service training dates)**

**DECEMBER**

**December 13—17**

**December 27-30 (December 31 holiday)**

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
9:30 AM	9:30 AM	9:30 AM	9:30 AM	9:30 AM
10:30 AM	10:30 AM	10:30 AM	10:30 AM	10:30 AM
11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM
12:15 PM	12:15 PM	12:15 PM	12:15 PM	12:15 PM
2 PM	2 PM	2 PM	2 PM	2 PM

**2D/4D COMMUNITY COURT CALENDAR DOC REMOTE CALENDAR DAYS (314-R)**

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
12 PM	12 PM	12 PM	12 PM	12 PM



**3D/5D COMMUNITY COURT CALENDAR DOC REMOTE CALENDAR WEEKS (218-R)**

**SEPTEMBER**

**September 13-17**

**September 27-October 1**

**OCTOBER**

**October 12-15 (October 11 holiday)**

**October 25-29**

**NOVEMBER**

**November 8-12 (November 11 holiday)**

**November 22-24 (November 26-27 holiday)**

**DECEMBER**

**December 6-10**

**December 10-23 (December 24 holiday)**

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
9:30 AM	9:30 AM	9:30 AM	9:30 AM	9:30 AM
10:30 AM	10:30 AM	10:30 AM	10:30 AM	10:30 AM
11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM
12:15 PM	12:15 PM	12:15 PM	12:15 PM	12:15 PM
2 PM	2 PM	2 PM	2 PM	2 PM

**6D/7D COMMUNITY COURT CALENDAR DOC REMOTE CALENDAR DAYS (116-R)**

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>
9:30 AM	9:30 AM	9:30 AM
10:30 AM	10:30 AM	10:30 AM
11:30 AM	11:30 AM	11:30 AM
12:15 PM	12:15 PM	12:15 PM
2 PM	2 PM	2 PM

**NO REMOTE DOC CALENDAR ON:** Monday, September 27, Monday October 25, Monday, November 29, Monday, December 27

**OAG COMMUNITY COURT CALENDAR DOC REMOTE CALENDAR DAY (316-R)**

<b>FRIDAY</b>
9:30 AM
10:30 AM
11:30 AM
12:15 PM
2 PM