

RESUMPTION OF MENTAL HEALTH COMMUNITY COURT OPERATIONS

Beginning Tuesday, January 19, 2021, Mental Health Community Court (“MHCC”) will resume operations on a limited basis. Hearings will be scheduled on Tuesdays and Thursdays in Courtroom 111-R, from 10:00 to 1:00 and 2:00 to 3:30. All proceedings will be conducted entirely remotely. MHCC will be sharing Courtroom 111-R with Drug Court, which will be holding hearings on Mondays and Wednesdays. On Fridays, Courtroom 111-R will be used for hearings that need to be specially set on either the MHCC or Drug Court calendar, or for other remote hearings on the calendars of the two presiding judges – Judges Fisher and Nooter.

The first set of cases scheduled are those in which the defendant is already in MHCC, the government has made a plea offer to the defendant (deferred prosecution, deferred sentencing, or amended sentencing), and the defendant has either accepted the offer or has not responded to the offer. The intent is for the defendant in each case either to enter into the agreement at the scheduled hearing or to reject the agreement and have the case(s) returned to the originally assigned calendar. Consequently, it is important for defense counsel to make certain the plea offer has been conveyed to the client, inform the government whether the offer has been accepted or rejected, and if the offer has been accepted, complete the necessary paperwork, which may include telephonic authorization of the defendant’s signature.

The second set of cases are those in which the defendant is already in MHCC but does not appear to have satisfied the requirements to enter into an agreement (excluding regular, negative drug tests, since testing has been suspended by PSA) that will result in the dismissal or reduction of the defendant’s charges. At the hearing, a determination will be made whether to continue the defendant’s participation in MHCC or return the case(s) to the originally assigned calendar.

The third set of cases are those in which the defendant has entered into an agreement but the government is seeking to terminate the agreement due to alleged non-compliance by the defendant.

The fourth set of cases are those that are on other calendars and the defendant has been deemed eligible to participate in MHCC and has agreed to do so. In these cases, it is important that defense counsel promptly notify the government of the defendant’s agreement to enter MHCC so that the case can be scheduled for an initial hearing if that has not already occurred. It is also important that defense counsel review in advance with the defendant the requirements for participation, so that the defendant is fully aware of those requirements before the initial hearing is held. Relatedly, government

counsel should inform the defendant and defense counsel before the initial hearing what resolution is available to the defendant (*i.e.*, deferred prosecution, deferred sentencing, or amended sentencing).

In addition to the above, there are several cases in which the defendant has entered into an agreement and has met the requirements for graduation, except for successful participation in drug testing as a result of the suspension of drug testing due to the coronavirus pandemic. The government has agreed to review those cases – and has already reviewed some of them – and may not oppose the defendant graduating despite the absence of testing results. For those cases, no hearings will be set, but if the government does not oppose graduation, the cases will be dismissed, the defendant and defense counsel will be informed, and a certificate of graduation will be sent to the defendant.

The last set of cases being scheduled are those in which the defendant is on probation and already has been participating in MHCC, or CSOSA has made a request that the defendant’s case(s) be supervised in MHCC and that request has been approved. These cases will be set on Tuesday or Thursday afternoons.

Regardless of the category in which a particular case falls, where a hearing is being held, counsel and the Pretrial Services Agency must make efforts to inform the defendant of the need to remotely attend the hearing and provide the defendant with the following information regarding remote access:

You may access the proceedings by the following means: calling telephone number **(202) 860-2110 (local) or (844) 992-4726 (toll free)**; or by logging onto <https://dccourts.webex.com/meet/ctb111>, and then entering the meeting ID number: **129 350 4013**. If you do not have access to an electronic device, you may call **202-879-1900** or email DCCourtsRemoteSites@dcsc.gov at least 24 hours before the hearing to reserve a remote access computer station.



Gerald I. Fisher
Presiding Judge
Mental Health Community Court
D.C. Superior Court
Washington, D.C. 20001