

**FOURTH CRIMINAL DIVISION STANDING ORDER
ESTABLISHING PROCEDURES, EFFECTIVE IMMEDIATELY, FOR SCHEDULING
OF HEARINGS UPON REQUEST OF COUNSEL**

Since the issuance of the July 15th Scheduling Standing Order, the Criminal Division has added three additional remote courtrooms:

1. 220: non-emergency probation show cause hearings; hearings to be scheduled from chambers.
2. 313: non-detained matters prosecuted by the Office of the Attorney General (OAG), including entry or completion of Deferred Prosecution or Sentencing Agreements, dispositions, and sentencing; hearings to be scheduled by OAG in consultation with defense counsel and docket sent to the Criminal Division 72 hours in advance.
3. 314: remote scheduling hearings in detained matters previously set for non-jury trial and continued; defendant's presence waived; hearings to be scheduled by separate order.

On May 15, 2020, the Criminal Division expanded court operations to allow for the scheduling of matters in five remote courtrooms, in addition to C-10.

4. 111: non-detained defendants-status and sentencing hearings, alternating between misdemeanor and felony weeks
5. 115: detained defendants-bond review motions, sentencing, status hearings
6. 210: detained defendants- Misdemeanor Detention and Felony 2 preliminary hearings
7. 213 AM: detained defendants-status and sentencing hearings
213 PM: status hearings set from C-10 for detained defendants
8. 317: defendants at St. Elizabeth's Hospital-mental observation hearings
9. C-10: arraignments, presentments, extraditions, walk in bench warrants after 1pm

On June 19, 2020, the Criminal Division announced the addition of 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, to commence on July 6, 2020.

10. 112: non-detained defendants-status and sentencing hearings; pretrial and probation show cause hearings; walk in bench warrants prior to 1pm
11. 211: detained defendants- Felony 1 preliminary hearings
12. 215: detained defendants- Felony 3 preliminary hearings
13. 203: detained defendants- co-defendant preliminary hearings

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

14. 218: available July 20th- 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.
15. 311: available July 27th- same as above.

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

For scheduling in Courtrooms 111 and 112 (non-detained defendants), 115 and 213-AM calendar (detained defendants), 317 (defendants 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 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, Sentencing (111, 112, 213) or Mental Observation Hearing (317);
- 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) whether the parties agree to the matter being heard by the judge assigned to the courtroom each week ("the courtroom judge"), rather than the case judge, or that the parties are requesting the first available date, without regard to judge;
- 5) regardless of whether the USAO or OAG consent to the setting of a hearing, four proposed hearing dates mutually available to government and defense one week out from the filing of the motion in detained cases and 72 hours out in non-detained cases.
- 6) The e-mail addresses for attorneys for the defense and government counsel.

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.

For the scheduling of hearings before the individual case judge on any day except Thursday (Courtroom 115), Wednesdays (Courtroom 111), Thursdays (Courtroom 317) or Fridays (Courtroom 213), and Monday through Friday (Courtrooms 218 and 311):

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. The motion must clearly set forth the information required by #1, 2, 3, 5, and 6 above.

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 four mutually available proposed hearing dates and the available timeslots. Chambers will notify the parties of the scheduled date by e-mail.

Note that for cases set in Courtrooms 115, 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.

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. **THE AVR JUDGE WILL NOT BE ACCEPTING MOTIONS AFTER MAY 14, 2020.** 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.

For scheduling in:

- **Courtroom 213-PM calendar (status hearings set from C-10 for detained defendants);**
- **Courtroom 210 (remote preliminary hearings for detained defendants in F2 cases);**
- **Courtroom 211 and 215 (partially remote preliminary hearings for detained defendants in F1 and 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. **Those status hearings will proceed on the originally scheduled date at 2PM in Courtroom 213; no motion need be filed.** The purpose of these status hearings 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 in Courtroom 203, 210, 211 or 215 based upon case type and the mutual availability of the parties, any necessary witnesses and court availability. For dates commencing July 6, 2020, Preliminary Hearings will be set in Felony 1 cases in 211 at 9:30 AM; in Felony 2 cases in 210 at 9:00AM, 11:15AM or 2:15PM; and in Felony 3 cases in 215 at 9:30AM and 2:15PM; co-defendant cases will be set in 203.

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.

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

SO ORDERED this 14th day of August, 2020.

/s/

Juliet J. McKenna
Presiding Judge, Criminal Division

/s/

Danya A. Dayson
Deputy Presiding Judge, Criminal Division