

## **CRIMINAL STANDING ORDER of JULY 17, 2020**

### **ORDER ESTABLISHING PROCEDURES, EFFECTIVE IMMEDIATELY, FOR FILING EMERGENCY MOTIONS FOR RELEASE FROM CUSTODY DUE TO THE COVID-19 PANDEMIC, INCLUDING BOND REVIEW AND COMPASSIONATE RELEASE MOTIONS AND RULE 35 MOTIONS TO REDUCE SENTENCE**

In light of the continued limited expansion of court operations, effective July 20, 2020, any motion seeking relief from detention must comply with all the following requirements, which shall supersede the standing orders of March 22 and May 15, 2020.

1. The motion must be titled “Motion for Release from Detention Based on the COVID-19 Pandemic” and designate the type of motion (i.e. bond review, compassionate release or Rule 35 motion) and the facility where the defendant is held (i.e. DOC, BOP, DYRS) in the caption of the motion. Defense counsel shall eFile the motion with the calendar judge(s) and send a copy to the Judge’s Chambers’ Email, i.e. Judge[LastName][Chambers@dcsc.gov](mailto:Chambers@dcsc.gov).
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. Four proposed hearing dates mutually available to government and defense.
  - i. The e-mail addresses for attorneys for the defense and government counsel.

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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 an exhibit to the motion, labeled “Exhibit 1: Answer to Question B.” If counsel is requesting that the Exhibit be placed under seal, they must file a motion with the court. Under no circumstances may the motion itself be filed under seal or filed in redacted format.

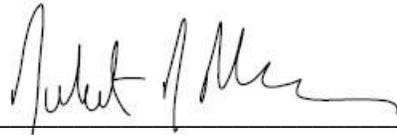
In responding to such motions, the Government shall certify that it has made efforts consistent with its obligations pursuant to D.C. Code § 23-1902 *Notice to crime victims* and 18 U.S.C. § 3771.

If the judge determines a hearing is appropriate, Chambers will send an email to [CriminalCourtroomSupportManagementTeam@dcsc.gov](mailto:CriminalCourtroomSupportManagementTeam@dcsc.gov) to request that a hearing be scheduled. Courtroom support will schedule the hearing based on the four mutually available proposed hearing dates, the appropriate calendar and the available timeslots. Chambers will notify the parties of the scheduled date and remote hearing location 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 July 17, 2020.” No separate order will issue.

The court continues to express its appreciation to counsel for compliance with this order and cooperation during these challenging times.

SO ORDERED this 17th day of July, 2020.



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Judge Juliet J. McKenna  
Presiding Judge, Criminal Division  
*Signed in chambers*



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Judge Danya A. Dayson  
Deputy Presiding Judge, Criminal Division  
*Signed in chambers*