

**CRIMINAL STANDING ORDER OF MAY 12, 2021 ESTABLISHING PROTOCOLS,
EFFECTIVE IMMEDIATELY, FOR PHASE ONE OF THE MISDEMEANOR CASE
PLAN AND RESUMPTION OF COMMUNITY COURT CALENDARS**

WHEREAS, non-detained misdemeanor cases have been continued since March 15, 2020 pursuant to the Chief Judge’s original order reducing D.C. Superior Court operations due to the COVID-19 public health emergency; and

WHEREAS, pursuant to the temporary amendments to Superior Court Rules of Criminal Procedure 43, a defendant may consent to appear by telephone or videoconference in misdemeanor cases, including for arraignment, plea and sentencing; and

WHEREAS, the D.C. Superior Court continues to operate primarily remotely; and

WHEREAS, thousands of misdemeanor cases are currently pending; and

WHEREAS, the Court has devised a plan to reinstate the Community Court calendars in a phased manner;

IT IS HEREBY ORDERED that Phase One of the Misdemeanor Case Plan shall proceed as follows:

Starting on May 10, 2021, all non-detained misdemeanor cases shall be heard in 312-R and 313-R for citation arraignment or in 116-R for an initial status hearing. For purposes of this section, “initial status hearing” means any hearing either (a) scheduled as the first hearing following appearance in C-10 or (b) any hearing that was scheduled in a physical courtroom before March 31, 2021, which was subsequently converted to a status hearing and scheduled in 116-R. All cases for one defendant shall be set on the same date.

Non-detained citation arraignments and initial status hearings will proceed as set forth in the April 26, 2021 Standing Order Establishing Protocols, Effective Immediately, For Hearings Set in Courtroom 116-R, 312-R And 313-R, all of which are fully remote.

If non-detained misdemeanor matters are not resolved at the citation arraignment date or the initial status date, they will be scheduled as follows:

I. SCHEDULING FURTHER DATES TO OCCUR IN NON-DETAINED MISDEMEANOR CASES PRIOR TO JULY 19, 2021:

- 1. Further status hearing for *entry* of DPAs and STETs:** case will remain on the existing calendar (116-R, 312-R, or 313-R).
- 2. Further status hearing for *entry* of Plea Agreements and DSAs:**
 - a.** Cases on the 116-R calendar should be set in 312-R or 313-R depending on prosecuting agency (USAO: 312-R, OAG: 313-R) on Mondays.
 - b.** Cases on the 312-R and 313-R calendars should remain on the 312-R and 313-R calendars for entry of Plea and DSAs.
- 3. Time sensitive further pretrial, probation show cause, or sentencing hearings** should be set in 112-R and the defendant instructed to appear in person.

4. **Further pretrial, probation show cause, or sentencing hearings, and DPA, DSA and STET end dates** should be set on the appropriate community court calendar according to profiles (218-R, 310-R, or 314-R) on a date after July 19, 2021. (See Section II below and Attachment A: Community Court Rotating Calendar).
5. **Further status or trial readiness hearing dates to explore other disposition or set trial date** should be set on appropriate community court calendar according to profiles (218-R, 310-R, or 314-R) after July 19, 2021.
6. **Mental Health Court Admissions:** Cases approved for and seeking admission into Mental Health Court should be scheduled in 111-R on Tuesday or Thursday for an admission hearing into Mental Health Court.
7. **Drug Court Admissions:** SCDIP will begin accepting a limited number of new admissions in mid-June. At that time, following approval by the government, a status hearing should be set in 111-R on Wednesday at 2pm, pending the defendant's final acceptance into the program.
8. **Mental Health Observation Hearing (MOH):** initial competency screening should be set on the existing calendar (116-R, 312-R, and 313-R). Further MOHs should be set on the appropriate community court calendar according to profiles (218-R, 310-R, or 314-R) on a date after July 19, 2021.

II. SCHEDULING FURTHER DATES TO OCCUR IN NON-DETAINED MISDEMEANOR CASES ON OR AFTER JULY 19, 2021:

Effective July 19, 2021 Misdemeanor Community Court Calendars will resume in 218-R, 310-R and 314-R. These will operate as partially remote courtrooms. Detained trials will proceed in person on staggered designated days. One day a week, each calendar will hold in-person hearings for those non-detained defendants who are unable or unwilling to appear remotely.

1. FURTHER STATUS/SHOW CAUSE/TRIAL READINESS

Hearings/TRIALS/DPA, DSA, STET end dates (See Attachment A: Rotating Community Court Calendar):

- a. **Courtroom 218-R: 3D/5D (Judge Wellner) and 6D/7D (rotating) on alternating weeks.**

Phase 1: In-court days:

Detained Trial/Motion: Monday/Tuesday

In-court status hearings: Thursday

- b. **Courtroom 314-R: 1D (Judge Smith) and 2D/4D (Judge Pittman) on alternating weeks.**

Phase 1: In-court days:

Detained Trial/Motion: Wednesday/Thursday

In-court status hearings: Tuesday

- c. **Courtroom 310-R: OAG cases (Rotating Magistrate Judges)**

Phase 1: In-court days:

Detained Trial/Motion: Tuesday/Wednesday

In-court status hearings: Friday

- d. *Note:* In order to maximize trial time, no other cases should be set on the first trial day (Monday in 218, Tuesday in 310 and Wednesday in 314).
2. **Mental Health Court Admissions:** Cases approved for and seeking admission into Mental Health Court should be scheduled in 111-R on Tuesday or Thursday for an admission hearing into mental health court.
3. **Drug Court Admissions:** SCDIP will begin accepting a limited number of new admissions in mid-June. At that time, following approval by the government, a status hearing should be set in 111-R on Wednesday at 2pm, pending the defendant's final acceptance into the program.
4. **Mental Health Observation Hearings (MOH):** initial competency screening and any further MOH will be set on the appropriate community court calendar according to profiles (218-R, 314-R or 310-R).

III. SCHEDULING OF TRIAL READINESS/TRIAL DATES in 218-R, 310-R, 314-R:

1. **Detained Cases:** Non-Jury Trial: Detained trial dates may be set out of 321-R on the appropriate calendar according to the profiles on a date after July 19, 2021 (detained non-jury trials prior to this date will continue to be set in 202-R.)
 - a. Calendar Judge and Presiding and Deputy Presiding Judge chambers to be notified by the 321-R courtroom clerks of setting of detained trial date to arrange for DOC transport.
2. **Non-Detained Cases:** Trial Readiness dates should be set on the appropriate calendar according to the profiles on a date after July 19, 2021, at which time a non-jury trial date may be set at least 30 days in advance. Profiles will be developed prior to July 19, 2021 designating available non-detained trial dates on each calendar.

IV. SCHEDULING HEARINGS ON THE COMMUNITY COURT CALENDARS:

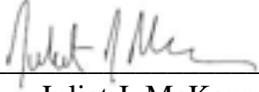
1. Defense Counsel shall eFile the motion with the calendar judge¹ and send a courtesy copy to the Judge's Chambers' Email, i.e. Judge[LastName]Chambers@dcsc.gov to request that a hearing be set. The motion must clearly set forth the following prior to the body of the motion:
 - a. the subject of the motion and the appropriate courtroom based upon the prosecuting agency/assigned calendar; (i.e Motion Requesting Sentencing Hearing in Courtroom 314-1D);
 - b. whether the USAO or OAG consents to the setting of a hearing;
 - c. whether the defendant is able to participate in the hearing via video or teleconference or is requesting to appear in person;
 - d. three proposed hearing dates mutually available to government and defense at least one week from the filing of the motion during the assigned calendar week as reflected on the attached calendar. If the defendant will be appearing in person, case must be set on the designated "in-court" day for each calendar. Hearings may not be set on the designated "detained trial" day for each calendar.
 - e. the e-mail addresses for attorneys for the defense and government counsel.

¹ Assigned calendar judges: 1D: Judge Williams until June 28; then Judge Smith; 2D/4D: Judge Pittman; 3D/5D: Judge Wellner; 6D: unassigned- covered by Judge Fisher; 7D: unassigned-covered by Judge Nooter.

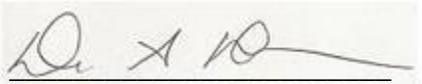
2. Chambers staff will schedule the hearing based on the three mutually available proposed hearing dates and the available timeslots, ensuring that the date falls within one of the calendar's designated week. Chambers will notify the parties of the scheduled date by e-mail.

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

SO ORDERED, this 12th day of May 2021.



Juliet J. McKenna
Presiding Judge, Criminal Division



Danya A. Dayson
Deputy Presiding Judge, Criminal Division

OAG CASES MAGISTRATE JUDGES 310-R- Weekly

IN COURT DAY – Friday²

Detained Trial Day - Tuesday³

USAO CASES-1D/2D and 4D-Biweekly:314-R

1D SMITH 314-R

IN COURT DAY – Tuesday

Detained Trial Day- Wednesday

| DATES BY WEEK | IN COURT DATE | DETAINED TRIAL DATE |
|-------------------------------|---------------|---------------------|
| July 19-23 | July 20 | July 21 |
| August 2- 6 | August 3 | August 4 |
| August 16-20 | August 17 | August 18 |
| August 30-September 3 | August 31 | September 1 |
| September 13-17 | September 14 | September 15 |
| September 27-October 1 | September 28 | September 29 |
| October 11-15 ⁴ | October 12 | October 13 |
| October 25-29 | October 26 | October 27 |
| November 8- 12 ⁵ | November 9 | November 10 |
| November 22- 26 ⁶ | November 23 | November 24 |
| December 6, -10 | December 7 | December 8 |
| December 20- 24 ^{**} | December 21 | December 22 |

2D/4D PITTMAN 314-R

IN COURT DAY – Tuesday

Detained Trial Day- Wednesday

| DATES BY WEEK | IN COURT DATE | DETAINED TRIAL DATE |
|---------------------------------|---------------|---------------------|
| July 26-30 | July 27 | July 28 |
| August 9-13 | August 10 | August 11 |
| August 23-27 | August 24 | August 25 |
| September 6-10 ⁷ | September 7 | September 8 |
| September 20-24 | September 21 | September 22 |
| October 4-8 | October 5 | October 6 |
| October 18-22 | October 19 | October 20 |
| November 1- 5 | November 2 | November 3 |
| November 15-19 | November 16 | November 17 |
| Nov 29- ⁸ December 3 | November 30 | December 1 |
| December 13-17 | December 14 | December 15 |
| December 27-31 | December 28 | December 29 |

² In-person hearings for those non-detained defendants who are unable or unwilling to appear remotely.

³ To maximize trial time, no other matters may be set on the detained trial date.

⁴ Monday October 11- Holiday

⁵ Thursday November 11- Holiday

⁶ November 25 (possibly 26) Holiday

⁷ Monday 9/6 Holiday

⁸ December 2 & 3 Judicial Training

USAO CASES-3D/5D and 6D/7D-Biweekly:218-R

3D/5D WELLNER 218-R

IN COURT DAY – Thursday

Detained Trial Day- Monday

| DATES BY WEEK | IN COURT DATE | DETAINED TRIAL DATE |
|----------------------------------|----------------------|----------------------------|
| July 26-30 | July 29 | July 26 |
| August 9-13 | August 12 | August 9 |
| August 23-27 | August 26 | August 23 |
| September 6-10 ⁹ | September 9 | September 6 |
| September 20-24 | September 23 | September 20 |
| October 4-8 | October 7 | October 4 |
| October 18-22 | October 21 | October 18 |
| November 1- 5 | November 4 | November 1 |
| November 15-19 | November 18 | November 15 |
| Nov 29- ¹⁰ December 3 | December 2 | November 29 |
| December 13-17 | December 16 | December 13 |
| December 27-31 | December 30 | December 27 |

6D/7D 218-R ROTATING JUDGE

IN COURT DAY – Thursday

Detained Trial Day- Monday

| DATES BY WEEK | IN COURT DATE | DETAINED TRIAL DATE |
|-------------------------------|-----------------------|----------------------------|
| July 19-23 | July 22 | July 19 |
| August 2- 6 | August 5 | August 2 |
| August 16-20 | August 19 | August 16 |
| August 30-September 3 | September 2 | August 30 |
| September 13-17 | September 16 | September 13 |
| September 27-October 1 | September 30 | September 27 |
| October 11-15 ¹¹ | October 14 | October 11 |
| October 25-29 | October 28 | October 25 |
| November 8- 12 ¹² | November 11 (Holiday) | November 8 |
| November 22- 26 ¹³ | November 25 | November 22 |
| December 6, -10 | December 9 | December 6 |
| December 20- 24 ^{**} | December 23 | December 20 |

⁹ Monday 9/6 Holiday

¹⁰ December 2 & 3 Judicial Training

¹¹ Monday 11 Holiday

¹² Thursday November 11 Holiday

¹³ November 25 (possibly 26) Holiday