

**DECEMBER 14, 2020 SIXTH CRIMINAL DIVISION STANDING ORDER  
ESTABLISHING PROCEDURES, EFFECTIVE JANUARY 4, 2021, FOR SCHEDULING  
OF HEARINGS UPON REQUEST OF COUNSEL**

The Criminal Division will be operating twenty-two remote or partially remote courtrooms, primarily dedicated to the case level and hearing types as set forth below. Effective January 4, 2021, the Criminal Division will be modifying the hearing profiles for existing courtrooms 111, 210 and 312, highlighted in bold, and adding additional courtrooms 310 and 319.

Since the declaration of judicial emergency on March 18, 2020, the Criminal Division has operated the following courtrooms:

1. C-10: arraignments, presentments, extraditions, walk in bench warrants after 1pm
2. 115: detained DOC defendants-bond review, status, disposition and sentencing hearings

On May 15, 2020, the Criminal Division expanded court operations to allow for the scheduling of matters in four additional remote courtrooms:

3. 111: **commencing January 19, 2021, non-detained defendants participating in Drug Court or Mental Health Community Court.**
4. 210: detained DOC defendants- status, disposition and sentencing hearings, **misdemeanor detention hearings will no longer be heard in this courtroom.**
5. 213 AM: detained DOC defendants-status, disposition and sentencing hearings.  
213 PM: status hearings set from C-10 for detained defendants.
6. 317: defendants at St. Elizabeth's Hospital-mental observation hearings.

On July 6, 2020, the Criminal Division added 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:

7. 112: non-detained defendants-status and sentencing hearings; pretrial and probation show cause hearings; walk in bench warrants prior to 1pm.
8. 211: detained DOC defendants- Felony 1 preliminary hearings.
9. 215: detained DOC defendants- Felony 2 and Felony 3 preliminary hearings.
10. 203: detained DOC defendants- co-defendant preliminary hearings.

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

11. 218: 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.
12. 311: same as above.

On August 14, 2020, the Criminal Division added four additional remote courtrooms:

13. 220: non-emergency probation show cause hearings.
14. 312: non-detained citation release cases prosecuted by the United States Attorney's Office (USAO), hearings to be scheduled by defense counsel in consultation with USAO **Monday- Thursday** and docket sent to the Criminal Division 72 hours in advance.
15. 313: non-detained matters prosecuted by the Office of the Attorney General (OAG); hearings to be scheduled by defense counsel in consultation with OAG and docket sent to the Criminal Division 72 hours in advance.
16. 314: remote scheduling hearings in detained cases; defendant's presence waived; hearings to proceed on scheduled date, unless otherwise notified. Effective November 23, 2020, all cases set out of C-10 will be set for both a 213-R and 314-R hearing date; no motion need be filed.

On November 9, 2020, the Criminal Division added an additional remote courtroom:

17. 321: remote scheduling and trial readiness hearings in detained cases; defendant's presence waived; hearings to proceed on scheduled date.

On November 9, 2020, the Criminal Division added three additional partially remote courtrooms to enable the defendant to appear in person before the judge assigned to the courtroom, with counsel and witnesses appearing in person, unless directed or granted prior leave of court to appear or testify via videoconference:

18. 201: detained DOC defendants- nonjury trials; date set out of 314 or 321.
19. 202: same as above
20. 316: detained DOC defendants- dispositive motions hearings; date set out of 314 or 321.

Effective January 4, 2021, the Criminal Division will add the following partially remote courtroom 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 (with prior leave of court in trial matters):

21. 310: detained DOC defendants- Felony 2 and Felony 3 preliminary hearings, misdemeanor detention hearings; OAG nonjury trials and dispositive motions hearings; date set out of 213, 314 or 321.

Effective January 4, 2021, the Criminal Division will add the following remote courtroom

22. 319: detained DOC defendants- bond review, status, disposition and sentencing hearings.

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

**For scheduling of hearings before the *assigned case judge* in Courtrooms; 115 and 210 (M/T/W/F, defendant detained at DC Jail), 213 (Friday only, defendant detained at DC Jail); 319 (M-F, defendant detained at DC Jail); 218 and 311 (M-F, defendant on release or detained at DYRS or BOP); 317 (Thursday only, defendant at St. Elizabeth's Hospital):**

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](mailto:Chambers@dcsc.gov). If the case judge determines that a hearing is warranted, chambers will send an email to [CriminalCourtroomSupportScheduling@dcsc.gov](mailto:CriminalCourtroomSupportScheduling@dcsc.gov) to request that a hearing be scheduled.

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 for Entry of Plea/Sentencing; Courtroom 115, 210, 213 or 319 (detained) or 218 or 311 (released, DYRS, BOP);
- 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) regardless of whether the USAO or OAG consent to the setting of a hearing, four proposed hearing dates mutually available to government and defense at least one week out from the filing of the motion in detained cases and 72 hours out in non-detained cases.
- 5) The e-mail addresses for attorneys for the defense and government counsel.
- 6) Parties are requesting that the hearing be set before the assigned case judge.

**For scheduling of hearings before the *judge assigned to the courtroom* in Courtrooms 112 (defendant on release), 213-AM (M-TH, defendant detained at DC Jail) or 317 (M/W/F, defendant 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](mailto:CriminalCourtroomSupportScheduling@dcsc.gov) to request that a hearing be set. The motion must clearly set forth #1-5 above prior to the body of the motion, and also:

- 6) Parties agree to the hearing being set before the judge assigned to the calendar rather than the judge assigned to the case.

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.

*Note that for cases set in Courtrooms 115, 210, 213, 317 and 319 (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.*

**For scheduling in:**

- **Courtroom 213-PM calendar (status hearings set from C-10 for detained defendants);**
- **Courtroom 211 (partially remote preliminary hearings for detained defendants in F1 cases), 215 and 310 (partially remote F2/F3 preliminary hearings for detained defendants), 310 (partially remote misdemeanor detention hearings);**
- **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. **The status hearing will proceed on the originally scheduled date at 2PM in Courtroom 213; no motion need be filed.** Counsel must comply with the terms of the October 21, 2020 *Standing Order Governing Scheduling Hearings in Courtroom 213: PM Calendar*. The purpose of the status hearing 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 or before the case judge); 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/Detention Hearing in Courtroom 203, 211, 215 or 310 based upon case type and the mutual availability of the parties, any necessary witnesses and court availability. Preliminary Hearings will be set in Felony 1 cases in 211 at 9:30 AM; in Felony 2 and Felony 3 cases in 215 or 310 at 9:30AM and 2:15PM; misdemeanor detention hearings will be set in 310 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 and 220:**

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](mailto: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. For show cause hearings in Courtroom 112, chambers will email [CriminalCourtroomSupportScheduling@dcsc.gov](mailto:CriminalCourtroomSupportScheduling@dcsc.gov) to request that a hearing be scheduled. For

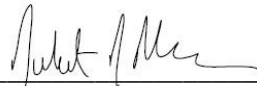
hearings in Courtroom 220, chambers will schedule the hearing in an available hearing slot. Chambers will notify the parties of the scheduled date by e-mail and issue the order to show cause.

**Motions for Bond Review, Compassionate Release or Rule 35 Sentence Reduction  
Based on COVID-19 Pandemic:**


Defense counsel shall eFile the motion with the case judge pursuant to the procedures set forth in the July 17, 2020 Criminal Standing Order. If the case judge determines that a hearing is warranted, chambers will send an email to [CriminalCourtroomSupportScheduling@dcsc.gov](mailto: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.

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 December, 2020.



Juliet J. McKenna  
Presiding Judge, Criminal Division



Danya A. Dayson  
Deputy Presiding Judge, Criminal Division