CRIMINAL STANDING ORDER of March 22, 2020-AMENDED

ORDER ESTABLISHING PROCEDURES, EFFECTIVE IMMEDIATELY, FOR FILING EMERGENCY MOTIONS FOR RELEASE FROM CUSTODY DUE TO THE COVID-19 PANDEMIC

In response to the overwhelming number of completed and anticipated filings requesting the immediate release of defendants from custody due to the health threat posed by the COVID-19 Pandemic, and in light of the reduced operations of the court, the Criminal Division issues the following standing order in the best interest of the administration of justice.

Effective immediately any motion seeking relief from detention based upon the COVID-19 Pandemic must comply with all the following requirements:

1. The motion must be titled "Motion for Release from Detention Based on the COVID-19 Pandemic" and must be filed with the AVR judge, as well as the assigned calendar judge;
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. 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;[1]
    b. Is the defendant 60 years old or older? If so, specify the defendant's age.
    c. Is the defendant being detained pretrial or post-conviction?
    d. Is the defendant charged only with non-assaultive misdemeanors? If so, specify all the charges;
    e. Is the defendant charged only with felonies that are not crimes of violence? If so, specify all the charges;
    f. Is the defendant being detained post-conviction and pending sentencing? If so, specify the earliest date the defendant could be released in compliance with the voluntary sentencing guidelines and mandatory minimum sentencing requirements; and
    g. What is the opposing party's position on your motion?

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.

[1] If the defendant has such health conditions, counsel may answer "See Filed Exhibit 1" and file the detailed answer and any supporting documentation in a sealed exhibit to the motion, labeled "Exhibit 1: Answer to Question A."

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 refiling based on Criminal Division Standing Order of March 22, 2020.” No separate order will issue.

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

SO ORDERED this 22 day of March, 2020.