



**SUPREME COURT
STATE OF NEW YORK
TWELFTH JUDICIAL DISTRICT**

HON. JULIO RODRIGUEZ III
Administrative Judge
Criminal Term

**BRONX COUNTY
HALL OF JUSTICE**
265 East 161st Street
Bronx, New York 10451
(718) 618-3700

MEMORANDUM

TO: Judicial and Non-Judicial Staff

Michelle Foggie
Chief Clerk

Derek Lynton
Bronx District Attorney's Office
Chief Assistant District Attorney

Peter Jones
Legal Aid Society
Attorney-in-Charge of the Bronx Criminal Defense Practice

Katie Wozencroft
Bronx Defenders
Deputy Director Criminal Defense Practice

Michael Alperstein
Assigned Counsel Plan
Administrator for the First Department

FROM: Hon. Julio Rodriguez III
Administrative Judge
Bronx Supreme Court, Criminal Term

RE: COVID-19: Remote Appearances by Skype

DATE: March 30, 2020

Effective, Thursday, April 2, 2020, and until further notice, all appearances in Bronx County Supreme Court, Criminal Term will be done through Skype for Business.

Appearances will be scheduled in accordance to the procedures established below for essential applications only.

Essential applications include:

- Arraignments of incarcerated defendants;
- Bail applications based on changed circumstance;
- Bail reviews;
- Writs of habeas corpus;
- Resentences on consent that will result in the defendant's immediate release from incarceration;
- Pleas and sentences that will result in the defendant's immediate release from incarceration; and
- Any other application that if granted may result in the defendant's immediate release from incarceration.

PROCEDURES

Arraignment of an Incarcerated Defendant

- The Skype appearance will be initiated by the Court and will remain on the date originally scheduled.
- The Court will arrange for the defendant to appear by Skype.
- The District Attorney's Office will be responsible for providing digital copies, by email, of the indictment/charging instrument (if voluminous, provide the cover sheet, pages listing the indictment charges, and back), and the defendant's rap-sheet to all parties and the Court.
- The documents must be emailed to the Court at mfoggie@nycourts.gov and cculleto@nycourts.gov at least one day prior to the scheduled arraignment.

Essential Applications

- The Skype appearance will be initiated by defense counsel by fully completing and submitting a Request for Remote Appearance by Skype form.

- The Request for Remote Appearance by Skype form is attached and is available digitally.
- Where the appearance requested is for a bail application or a bail review, defense counsel must attach digital copies of the indictment/accusatory instrument and the defendant's rap sheet to the Request for Remote Appearance by Skype form. **Requests received without the required documents will not be considered.**
- The fully completed form, and all necessary documents, must be received by email at mfoggie@nycourts.gov and cculleto@nycourts.gov within the time frames proscribed below.

Writs of Habeas Corpus

- Writs of habeas corpus must be filed with the Bronx County Supreme Court, Civil Term.
- Writs filed with Bronx County Supreme Court, Civil Term may be served on Bronx County Supreme Court, Criminal Term by email to mfoggie@nycourts.gov and cculleto@nycourts.gov. Writs served by email must include an index number and all necessary signatures from Bronx County Supreme Court, Civil Term – specifically Administrative Judge Doris Gonzalez.
- The party filing the writ must provide digital copies of the writ and all accompanying papers by email to mfoggie@nycourts.gov; cculleto@nycourts.gov and Deputy General Counsel, Gina Mignola of the Bronx County District Attorney's Office at mignolag@bronxda.nyc.gov.
- Properly filed and served writs, including all required digital papers, must be received before noon to be scheduled for a same-day hearing, subject to the needs of the Court.
- Properly filed and served writs, including all required digital papers, received after noon will be scheduled for a hearing on the next business day, subject to the needs of the Court.

Filing/Request Deadlines

- **Pleas and Sentences**
 - A fully completed Request for Remote Appearance by Skype form and all necessary documents must be received by 2:00 p.m.
 - The defendant's appearance by Skype will be scheduled for the next business day or as soon as possible, subject to the Department of Correction's ability to produce the defendant.
 - Requests received after 2:00 p.m. will be scheduled for the second business day from the date of receipt or as soon as possible, subject to the Department of Correction's ability to produce the defendant.

- **Essential Applications**
 - This section applies to essential applications, as defined above, where the defendant's appearance will be waived.

 - A fully completed Request for Remote Appearance by Skype form and all necessary documents must be received by 2:00 p.m.
 - When possible, the matter will be scheduled for the same day.
 - Otherwise, the matter will be scheduled for the next business day.

 - Requests received after 2:00 p.m. will be scheduled for the next business day from the date of receipt.

Request for Remote Appearance by Skype Form

- The request form must be completed fully.

- Request forms submitted incomplete may cause delays and may be rejected.

- The form should be type written when possible.

- If the form is handwritten, it must be legible.

- The information provided must be accurate, particularly email addresses and phone numbers.

- **Request for Remote Appearance by Skype forms submitted without the required documentation (i.e. accusatory instrument and rap-sheet) will not be considered.**
- The Request for Remote Appearance by Skype form is attached.



**SUPREME COURT
STATE OF NEW YORK
TWELFTH JUDICIAL DISTRICT**

Request for Remote Appearance by Skype

Today's Date: _____

DEFENDANT INFORMATION		
Full Name	Indictment Number(s)	NYSID Number

DEFENSE ATTORNEY		
Full Name	EMAIL ADDRESS	PHONE NUMBER

ASSISTANT DISTRICT ATTORNEY		
Full Name	EMAIL ADDRESS	PHONE NUMBER

APPEARANCE TYPE

Date Requested: _____

BAIL APPLICATION (must attach accusatory instrument and rap-sheet)

BAIL REVIEW (must attach accusatory instrument and rap-sheet)

CONSENT ROR

Except for guilty pleas, does defense counsel waive the defendant's appearance?

Yes No

<input type="checkbox"/> CONSENT SENTENCE
Original Sentence:
New Sentence:
Will the new sentence result in the defendant's immediate release from incarceration? <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> GUILTY PLEA
Charge:
Sentence:
Will the plea and sentence result in the defendant's immediate release from incarceration? <input type="checkbox"/> Yes <input type="checkbox"/> No

EMAIL COMPLETED FORM TO:

mfoggie@nycourts.gov; cculleto@nycourts.gov; and lyntond@bronxda.nyc.gov