



CHAMBERS OF THE COUNTY COURT
COUNTY OF NASSAU
262 OLD COUNTY ROAD
MINEOLA, NEW YORK 11501

HON. TERESA K. CORRIGAN
SUPERVISING JUDGE
COUNTY COURT

CHAMBERS (516) 493-3528
FAX: (516) 493-3623

KRISTEN McELROY, ESQ.
PRINCIPAL LAW CLERK

May 11, 2020

ATTN: District Attorney's Office
Legal Aid Society
18B Attorneys
Private Bar/Criminal Defense Attorneys

RE: New Procedures for Incarcerated Persons Charged with a Felony

In conjunction with Executive Order (EO) 202.28 and after consultation with Administrative Judge Norman St. George, the following procedures and protocols will be instituted effective Monday, May 11, 2020 and continuing until further notice.

NEW ARRESTS:

1. Defendant arrested and charged with a felony starting May 7, 2020 (arraigned on May 8, 2020) and upon whom bail has been set at arraignments will have their cases transferred to AP-3 for the day before 180.80 (or the 180.80 date) UNLESS defense counsel opts to waive such right pursuant to CPL § 180.10(2).
2. On the adjourn date, the supervising judge will hear the case in the virtual courtroom and will entertain any applications by the District Attorney's Office related to a good cause extension of time to either conduct a preliminary hearing (PH) or obtain an indictment pursuant to 180.80(3) and EO 202.28.
3. If the court determines that good cause exists, the court will provide the People and the defense an opportunity to schedule a PH on or before June 6, 2020. Please note that the court's virtual capacities and limitations may influence the date chosen for the PH.
4. Waivers that are withdrawn less than 144 hours before June 6, 2020 will be calendared at the People's request for an application for a good cause extension for the PH past June 6, 2020. The case must be calendared within 144 hours of the defendant's withdrawal of his/her waiver to obtain the benefit of an extension from the court.
5. The People are expected to conduct a PH within the 144-hour time frame for arrests that occur on June 2, 2020 or thereafter unless waived by defense counsel as stated above.

ARRESTS BETWEEN MARCH 2020 AND MAY 6, 2020:

1. On Wednesday, May 13, 2020, the court will calendar EVERY case in which a defendant is incarcerated on bail, charged with a felony and has not been indicted.
2. The defendant will NOT be virtually produced for this application. *People v. Rodriguez*, 85 NY2d 586 (1995).
3. The People will be afforded the opportunity to make an application before the supervising judge for a good cause extension of time to conduct a PH or obtain an indictment pursuant to 180.80(3) and EO 202.28.
4. Defense attorneys will receive an open skype invitation into the virtual courtroom for that date. The calendar will be called starting at 9:30 am. Defense counsel can email KMcelroy@nycourts.gov to request a particular time. The final calendar call will be at 4:00pm. Any defense attorney who did not appear in the virtual courtroom will be notified by the court and given one final opportunity to calendar his/her case for purposes of complying with this directive. If no appearance is made by defense, the People will be expected to attempt to set up a PH for this matter with defense counsel before June 6, 2020.
5. The need for a May 13, 2020 good cause application can be waived by the defendant upon the defense attorney submitting a written waiver of the defendant's right to same pursuant to CPL § 180.10(2) to the People and the court. The document must include language that waives the need for the court to make a good cause determination for an extension of time related to the People's statutory requirement to conduct a PH or obtain an indictment within 144 hours of defendant's arrest. This waiver will result in the defendant remaining incarcerated without a PH and without a good cause finding by the court UNTIL the waiver is withdrawn.
6. The People and the defense can likewise agree, before May 13, 2020 that no "good cause" determination for delay is required but have agreed that a PH hearing will be conducted prior to June 6, 2020.
7. If the court determines that good cause exists, the court will provide the People and the defense an opportunity to schedule a PH on or before June 6, 2020. Please note that the court's virtual capacities and limitations may influence the date chosen for the PH.
8. Waivers that are withdrawn less than 144 hours before June 6, 2020 will be calendared at the People's request for an application for a good cause extension for the PH past June 6, 2020. The case must be calendared within 144 hours of the defendant's withdrawal of his/her waiver to obtain the benefit of an extension from the court.

NEGOTIATED DISPOSITIONS:

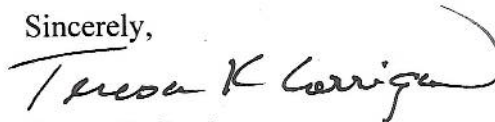
1. If the People and the defense have reached a disposition on a case wherein the defendant is incarcerated, charged with a felony and has not been indicted (or received a PH), the attached form may be submitted to the chambers of the supervising judge via electronic submission to ncountycourtvideo@nycourts.gov.
2. The submitting party MUST include opposing counsel on the email.
3. A submission of same BEFORE May 13, 2020 will result in the case being removed from the May 13, 2020 calendar.

4. The matter will be distributed to the appropriate county court judge for disposition in the virtual courtroom within five days of receipt or on the agreed upon date of the parties and the assigned judge.

POTENTIAL DISPOSITION:

1. If either the People or the Defense believe that a case can be disposed of via plea, but that court intervention is needed to assist in reaching a disposition, a request can be sent to the supervising judge (for unassigned/AP-1 cases) via KMcelroy@nycourts.gov or to the judge to whom the case is assigned (see prior memo for email addresses).
2. If at the conclusion of the conference no disposition has been reached, the case will be calendared before the supervising judge for the People's application for a good cause extension of time to either conduct a preliminary hearing (PH) or obtain an indictment pursuant to 180.80(3) and EO 202.28, if a PH has not already been scheduled.
3. If a disposition has been reached, the matter will either be handled by the assigned judge or the judge covering matters on the day requested for plea.
4. ****Any case that has a "potential disposition" WILL still be called on the calendar on May 13, 2020 UNLESS defense executes a waiver related to CPL § 180.80 and the need for a preliminary hearing. That waiver must be sent to the court via NCOUNTYCOURTVIDEO@nycourts.gov by end of business on May 12, 2020.****

Sincerely,



Teresa K Corrigan
Supervising Judge/ASCJ

NEGOTIATED DISPOSITION:

Defendant's name: _____

Docket #: _____

Court Part: _____

Assigned ADA: _____

Defense counsel: _____

Please be advised that the above parties have reached a disposition on this case. As such, defendant is waiving his/her right to a PH and the need for the court to entertain a good cause extension by the People related to same **until such time that a disposition does not occur.**

Opposing counsel has been copied on this submission.

(signature)

(print name)