

STATE OF NEW YORK
UNIFIED COURT SYSTEM
SUFFOLK COUNTY DISTRICT COURT
JOHN P. COHALAN, JR. COURT COMPLEX
400 Carleton Avenue
P.O. Box 9080
Central Islip, NY 11722-9080
(631) 208-5916 Fax (631) 853-7417

LAWRENCE K. MARKS
Chief Administrative Judge

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

KAREN KERR
Supervising Judge District Court

M E M O R A N D U M

TO: Suffolk County District Attorney's Office; Legal Aid Society; Assigned Counsel
Bureau; Criminal Bar Association; Suffolk County Bar Association; District
Court Committee.

FROM: Hon. Karen Kerr

DATE: March 23, 2020

RE: Electronic Appearance Protocol

As you are aware, in light of the COVID-19 pandemic, Executive orders issued by the governor and administrative orders issued by Judges Marks, Caruso and Hinrichs, in order to reduce the number of people coming into the courthouse, the court system is operating on an essential needs basis only. All court functions have been centralized in the Cohalan Complex, in Central Islip. In consultation with the District Attorney's Office, Legal Aid Society, Assigned Counsel, Criminal Bar Association, law enforcement agencies and the Suffolk County Probation Department, we have developed procedures and protocols that will enable us to conduct in-custody arraignments, via skype from the Sheriff lock up area in Central Islip.

In the event you wish to utilize the remote video appearance, you must download the skype for business app if don't already have it and your computer must be equipped with a camera as the defendant and the court must be able to see and hear you. You should include in your discussions with your client, whether for purposes of arraignment, whether they wish to waive their right to be present in the courtroom and their right to have their attorney present at their location as the court will making an inquiry. In the event, however, the defendant does not consent, the arraignment will proceed with the defendant's objection noted for the record and on the court file as "video arraignment refused," and will be addressed at a future date. In addition, please fill out a preferred method of contact form and send with your notice of appearance. I have attached a copy for your convenience.

The protocol for participating in video arraignment is as follows:

1. Each day, Legal Aid, CAFA and the District Attorney's office will email to Suffarr@nycourts.gov, and kkerr@nycourts.gov, a list of attorneys who will be available to conduct arraignments remotely. Contact information should include email and cell phone contacts.
2. Defense Counsel Paperwork- Police liaison will scan and send defense counsel paperwork to the Court at Suffarr@nycourts.gov, Legal Aid at Arraignments@sclas.org, the District Attorney's Office at DAarraignments@suffolkcountyny.gov, and Assigned counsel at smccall@scacp.org.
3. LAS Conflicts- In the event there is a conflict, Legal Aid will call D11 at 631-208-5664. D11 will then contact CAFA via the contact information provided.
4. Private Counsel- Once retained, private counsel should send an email to D11 at Suffarr@nycourts.gov and DAarraignments@suffolkcountyny.gov, with the name of the defendant and DOB notifying D11 he or she represents the defendant. Please do not email a formal notice of appearance until you are ready to have the case called. Upon receipt of the email, D11 will email a copy of the paperwork to counsel at the email address provided.
5. Non-monetary Conditions- The court, the ADA and defense counsel should review all files in the a.m. in the event non-monetary conditions are being contemplated as probation will need to speak to the defendant before the arraignment.
6. Probation Interviews- All interviews by probation with detainees will be conducted remotely utilizing either 631-853-7980 or 631-853-7427. Arrangements will be made between the Sheriff and Probation as to how best to conduct the interviews.
7. TOPs-In the event the DA is requesting a TOP, the DA will email the TOP to Suffarr@nycourts.gov. The D11 clerk will be provided with both a stay away TOP and a refrain from TOP to allow the court as much discretion as possible.
8. DA Notices- All notices including 710.30 and Grand Jury notices will be served on defense counsel by the ADA directly.
9. Attorney/Client Telephone Conferences- When the attorney is ready to speak to the client, he or she will call the Sheriff Attorney Liaison at 631-853-7937. The Sheriff Attorney Liaison will request a call-back number from the attorney. Once the defendant is positioned to take the call, the sheriff will contact the attorney. The attorney will be given one of two conference call numbers to call in order to speak to the client: 631-853-7980 or 631-853-7427.
10. Notice of Appearance- Once Legal Aid/CAFA/Private counsel is ready for the arraignment, he/she will file the Notice of Appearance (NOA) with the court at Suffarr@nycourts.gov along with a completed "preferred method of contact" form, attached..

11. The Arraignment- The attorneys should then join the meeting at <https://meet.lync.com/nycourts/suff-ci-d11/8ZUQ856C> and mute the audio until the clerk calls the case.

12. When the court is ready to begin the arraignment, the court then will call the Sheriff's Detention Bridge at 631-853-4513 to have the defendant escorted to the designated arraignment area. Once all parties are present, the clerk will call the case and the defendant will be arraigned.

13. Service of TOPs- In the event a TOP is granted, the court will inform the defendant of its content indicate the defendant is "deemed served.." When the arraignment is complete, the court officer will bring the order to the Sheriff for the defendant's signature. The court officer will make copies for all parties. The same procedure will be utilized for any other documents, GPS, SRP, which require the defendant's signature.

14. DC111s- The completed DC-111 will be marked "video-arraignment." Copies of any relevant paperwork for discharge or lodging at the Correctional Facility will be attached to the DC111.

15. Copies of Forms -Once the arraignment is complete, copies of the paperwork, TOPs, SRP forms, etc., will be placed in room 220 in separate bins designated for the DA's office, Legal Aid and probation. All CAFA and private counsel paperwork will be sent by regular mail. In addition, at the end of the day the D11 clerk will scan TOPs and send to DAarraignments@suffolkcountyny.gov.

As we go forward, the protocol may have to be amended. I will keep you all updated as to any changes. Should you have any questions, please do not hesitate to contact me. In the interim, please stay safe.