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4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
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7 **CRIMINAL CASE STANDING ORDER**
8 **RE: PROCEDURE FOR REVIEW OF**
9 **DETENTION ORDERS IN LIGHT OF**
CORONAVIRUS PANDEMIC

Magistrate Judge Nat Cousins
Effective March 16, 2020

10 I am issuing this criminal standing order on March 16, 2020, in response to the
11 coronavirus pandemic. It applies to every open criminal case in which I have ordered a
12 criminal defendant to be detained and that defendant is presently held in custody awaiting
13 trial. Most detainees in this District are presently housed at Santa Rita Jail in Alameda
14 County, California. Defendants detained by other judges are not covered by this standing
15 order. A copy of this order will also be provided to the offices of the Federal Public
16 Defender, the United States Attorney, the CJA attorney coordinator, U.S. Pretrial Services,
17 and posted publicly on the Court's web page.

18 Under the Bail Reform Act, 18 U.S.C. § 3145(f)(2), a detention hearing may be
19 reopened at any time before trial if the judicial officer finds that information exists that was
20 not known to the movant at the time of the detention hearing and that has a material bearing
21 on the issue whether there are conditions of release that will reasonably assure the
22 appearance of such person as required and the safety of any other person and the
23 community. Two of the detention or release factors (among others) to be considered by the
24 judicial officer are (1) the person's "physical and mental condition" (3145(g)(3)(A)) and (2)
25 the nature and seriousness of the danger to any person or the community that would be
26 posed by the person's release (3145(g)(4)).

27 The Crime Victims' Rights Act, 18 U.S.C. § 3771, also provides crime victims the
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1 statutory right to be reasonably protected from the accused, to reasonable notice of any
2 public court proceeding involving the crime or release of the accused, the right to be
3 reasonably heard and not excluded from public court proceedings, the right to be treated
4 with fairness and respect, the right to confer with the attorney for the Government in the
5 case, the right to proceedings free from unreasonable delay, and the right to be informed of
6 the rights under the Act. The Court shall ensure the crime victim is afforded the rights
7 described in the Act. 18 U.S.C. § 3771(b)(1).

8 This standing order sets forth the procedure for any request to reopen a detention
9 hearing on the basis of the physical and mental condition of the accused. This public health
10 crisis is serious and urgent. Counsel should not delay in evaluating whether any defendant
11 should have his or her detention hearing reopened.

12 1. Counsel for the Government and accused must confer first in an effort to
13 determine if they agree.

14 2. The Government must provide notice and an opportunity to confer and be
15 reasonably heard to any crime victim.

16 3. Any stipulation or motion to reopen must be filed in the ECF system.

17 4. The motion should state whether the defendant waives personal presence at the
18 hearing.

19 5. Copies of the motion to reopen must be provided to Pretrial Services and to
20 Clerk's Office Manager Snooki Puli at Snooki_Puli@cand.uscourts.gov. This may be by
21 email.

22 6. Unless otherwise ordered, no hearing will be held in person. Counsel, clients, and
23 crime victims will be allowed to participate by telephone or video to the extent practicable.

24 IT IS SO ORDERED.

25 Date: March 16, 2020

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Nathanael M. Cousins
United States Magistrate Judge