

OFFICES OF THE SUPERVISING JUDGES
COUNTY COURT; DISTRICT COURT
NASSAU COUNTY

TO: Legal Aid Society, 18B, Criminal Courts Bar Association, NCBA, District Attorney's Office; private defense bar

FROM: Teresa K Corrigan
Supervising Judge, County Court

Elizabeth Fox McDonough
Supervising Judge, District Court

DATE: June 16, 2020

RE: Changes to procedures in the local courts

Below is a re-cap of the skype meeting held on June 12, 2020 related to changes in procedure for both the county and district courts.

Judge Teams: The County Court is now broken into four teams of judges and each team is assigned to a specific virtual courtroom. The teams are as follows:

1. Judge Sullivan; Judge Corrigan; Judge Murphy; Judge Bogle; Judge Sturim
2. Judge McDonald; Judge Quinn; Judge Schwartz; Judge Gugerty; Judge Delligatti
3. Judge Robbins; Judge O'Brien; Judge Ricigliano; Judge Muraca; Judge Harrington
4. Judge Berkowitz

Attorneys will now go directly to the law secretary for the judge assigned to their specific case to seek a time slot in the virtual courtroom. These requests will no longer be filtered through Kristen McElroy or Judge Corrigan. There are no SAME DAY requests.

Judge Berkowitz will have her own virtual camera as her volume of felony complaints is greatest. The procedure for getting cases calendared and called is the same as above; there is simply no-one competing for her time slots. How she chooses to arrange for virtual conferences will be decided by her chambers staff. If all parties agree that a felony complaint will be reduced for either plea or prosecution as a misdemeanor, those cases will be sent to District Court part 16 approximately thirty (30) days from the date of the request. For those cases that are misdemeanor pleas, but if the plea falls through the People want to proceed with the felony, the matters will stay within the County Court. Judge Berkowitz will take whatever pleas she can; however, any judge can assist in this process. Certain judges will agree to take "knockdown" pleas; others will seek an SCI. Please adjust accordingly based on the assigned judge

Under this new system, it is imperative that the paperwork associated with any case be sent to the law secretary at least 24 hours before the case is on in the courtroom. This allows for the

paperwork to be checked for accuracy and it gives the law secretary ample time to send it to defense and/or the jail as needed.

Out defendants in County Court and District Court: An out defendant has three options when appearing virtually. A defendant may utilize his/her own email address and receive a skype for business invitation; a defendant may appear with his/her attorney at the attorney's office; a defendant may appear in the "walk-in/annex" courtroom for a virtual appearance. A defendant should only use option three when absolutely necessary. We are still trying to limit the foot traffic within the buildings. If the defendant is required to sign paperwork, he/she must be able to receive, print, sign and return the paperwork to the court from whatever virtual method the defendant chose.

180.80/AP-3: Cases where bail/EM is set on a felony will continue to be called in Judge Corrigan's AP-3 courtroom. If a defendant makes bail/has EM removed, the case will be adjourned to either AP-1 or the judge who would get the case if it was indicted. Otherwise the case will be maintained in AP-3 until further notice. Preliminary hearings will continue to be scheduled through Kristen McElroy and Judge Corrigan. Good cause extensions will continue to be decided by Judge Corrigan.

Sentences: We can now order PSRs for both felonies and misdemeanors. Also, as of today, the jail has ZERO positive cases of COVID-19 inmates. As such, a major benchmark has been reached to start the transfer of detainees to upstate facilities. The jail is awaiting further guidance from DOCCS. No defendants are being brought to court at this time. If a defendant is to serve a local sentence, he/she must surrender themselves to the jail. The court is not "pushing" for jail sentence execution at this time but an emergency sentence can be accommodated.

DAT matters in District Court- During Phase Two if there is a matter in which a defendant needs to be arraigned on a DAT and take a plea, please contact Allison Warga, Judge Fox-McDonough's Court Attorney with the information and the reason there is an essential need for the plea to occur.