

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

STANDING ORDER IN CRIMINAL
PROCEEDINGS BEFORE JUDGE
KEITH P. ELLISON DURING PENDENCY OF
NATIONAL EMERGENCY

This Order is entered in response to the President's Declaration of a National Emergency because of Covid-19. It will apply only to individuals in pretrial detention and only to cases pending before Judge Ellison. It is subject to revocation upon short notice.

A detention hearing may be reopened at any time before trial if the judicial officer finds that material information exists that was not known to the detainee at the time of any previous hearing. 18 U.S.C. § 3142(f)(2). Two of the detention factors to be considered by a judicial officer are (1) the person's "physical and mental condition" and (2) the nature and seriousness of the danger to any person or the community that would be posed by the detainee's release. 18 U.S.C. § 3142(g)(3)(A), (4). The conditions that have resulted in the presidential declaration of a National Emergency constitute material information that has not previously been considered by the Court.

The rights of those who have allegedly been the victims of a detainee must also be upheld. They are entitled to be reasonably protected from the accused, to reasonable notice of any public court proceeding involving the crime or release of the accused, the right to be reasonably heard and not excluded from public court proceedings, the right to be treated with fairness and respect, the right to confer with the attorney for the government, the right to

proceedings that are not subject to unreasonable delay, and the right to be informed of their rights. 18 U.S.C. § 3771(b)(1).

Attorneys wishing to reopen a detention hearing because of the National Emergency, shall comply with the following procedures:

1. Counsel for the government and the accused must confer to see if they can reach agreement.

2. If a hearing is to be reopened, the government must provide notice to any alleged victim and an opportunity to be heard.


3. Any motion to reopen must be filed in the Court's electronic filing system.

4. Any motion should include a statement as to whether the defendant waives presence at any hearing to be held.

5. Copies of any such motion to reopen must be served on Probation, the Court's case manager, and any other parties to the case.

IT IS SO ORDERED.

DATE: March 17, 2020


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE