

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN
505 THEODORE LEVIN UNITED STATES COURTHOUSE

231 W. LAFAYETTE BOULEVARD
DETROIT, MICHIGAN 48226
www.mied.uscourts.gov

KINIKIA ESSIX
COURT ADMINISTRATOR /
CLERK OF COURT
313-234-5051
Fax 313-234-5399

DIVISIONAL OFFICES
ANN ARBOR
BAY CITY
FLINT
PORT HURON

U.S. District Courthouses in Eastern Michigan to Reopen on Limited Basis Next Month

News Release

For Immediate Release

April 29, 2021

The U.S. District Court for the Eastern District of Michigan tentatively plans to reopen four of its five courthouses for limited proceedings beginning May 4 to determine how quickly the Court can resume criminal and civil jury trials amid the COVID-19 pandemic.

The Court has selected approximately 65 criminal hearings – pleas, sentencings, evidentiary hearings, motions and probation and supervised release violations – to be conducted in Detroit, Ann Arbor, Bay City and Flint.

Because of social distancing requirements, hearing attendance will be limited to a small number of lawyers, witnesses, family members and others.

These proceedings and the level of COVID will determine when and how the court will resume criminal and civil jury trials as well as other hearings that have been on hold since the five courthouses were closed to the public in March 2020. Since the closure, these proceedings have been taking place via teleconferencing and videoconferencing when defendants agreed.

“Several court committees have been working diligently on how to safely bring people back into the courthouses,” said Chief U.S. District Judge Denise Page Hood. “After we finish with these initial proceedings, and based on the severity of COVID infections, we will evaluate when we can resume normal court operations.

“The goal is to limit the number of people in the courthouses so we can contain the spread of COVID 19,” she added. “Starting up is going to be difficult but we are taking as many precautions as possible. We hope you will bear with us. It’s going to be a difficult world for a while.”

Since the courthouses closed in March 2020, judges and court staff have worked remotely, conducting more than 6,000 criminal arraignments, plea hearings, sentencing and other proceedings in criminal and civil cases by telephone or in Zoom videoconferences. But criminal and civil jury trials as well as criminal hearings where defendants asked to appear in person in a courtroom were postponed indefinitely.

Chief Judge Hood said judicial officers selected approximately 65 criminal cases based on age, complexity and urgency.

The hearings will be held in two courtrooms in Detroit and single courtrooms in Ann Arbor, Bay City and Flint. The courtrooms are equipped with Plexiglas shields as well as hand sanitizer and disinfectant wipes. The courtrooms will be cleaned between proceedings according to Centers for Disease Control and Prevention (CDC) requirements.

The public, including the media, may listen to the proceedings online.

Everyone entering the courthouses will be required to socially distance, wear court-issued surgical-grade face masks and be screened at electronic kiosks. The kiosks will take their temperature and ask them a series of questions to determine if they have COVID symptoms, traveled out of state or been around with anyone suffering from COVID. Those who don't pass the screening will be required to leave the courthouse immediately and contact the lawyer who requested that they attend the hearing.

Only two people at a time will be permitted on elevators in Detroit. Arrangements for the Bay City courthouse are being reviewed.

Movement within the courthouses will be limited to the area where the hearings will be held. The Clerk's Office and snack shop in Detroit will remain closed.

Lawyers will be responsible for many of the arrangements, which are listed in detail in the attached "Courthouse and Courtroom Rules for Conduct for the Limited Phased Reopening."

Among other things:

- Lawyers will be notified that their cases have been scheduled. They must advise the judge's case manager seven days before a hearing about the number of lawyers, witnesses and family members planning to attend.
- Out-of-state attorneys and attendees who do not get tested before traveling and do not plan to quarantine in Michigan for ten days before the proceeding will be required to produce their vaccination cards. Photocopies and pictures of vaccination cards are not acceptable.
- Lawyers and others must arrive at the courthouse no earlier than 10 minutes before their hearings. Clients, victims, family members and witnesses may not enter the

courtroom until asked by judicial staff. Everyone must leave the courthouse immediately after the hearing.

- Lawyers and participants will be directed to one of two courthouse entrances in Detroit. They must inform participants about the requirements for entering the courthouse and the courtroom where the hearing will be held. Counsel must provide participants with contact information so the lawyer may be notified immediately by those who are unable to enter the courthouse.
- Courtroom counsel tables will be limited to the primary attorney representing a client. That attorney must obtain permission from chambers staff before a second lawyer or other assistant may sit at the counsel table.
- Attorneys are responsible for ensuring that writs for out-of-state custodial defendants are issued and served on the U.S. Marshal's Service at least 60 days in advance of the hearing.

Because of social distancing requirements, only one journalist will be permitted to attend in-person hearings. That journalist must be willing to serve as a pool reporter and provide information upon request to other journalists, including those who may listen electronically to the proceeding.

The pool reporter must be employed by a recognized media organization or have previously obtained a court-issued credential to enter the courthouses with a cellphone. (Reporters who have obtained such credentials have pledged to abide by the ethics policy of the Society of Professional Journalists.)

In-court hearings will be listed among other publicly accessible proceedings on the Court Calendar on the Court's website at www.mied.uscourts.gov. The attachment – "How to Sign Up for Zoom Court Hearings" – shows how to access those hearings.

Because of potential scheduling changes, in-person hearings will be identified as such on PACER (the court's electronic docket).

To determine if a hearing is to be held in person in court, check PACER or contact the Clerk's Office at (313) 234-500 or the online chat on the Court's Internet Website or email the Public Access Team. Their link is on the Court's Website under *Notice Regarding Press and Public Access to Court Hearings*

Journalists wishing to serve as a pool reporter for any of the hearings should contact Public Information Officer David Ashenfelter at David_Ashenfelter@mied.uscourts.gov or (313) 234-5421.

###

COURTHOUSE AND COURTROOM RULES OF CONDUCT FOR THE LIMITED PHASED REOPENING

The following Rules of Conduct are in effect for the limited phased reopening at the Detroit, Flint, Ann Arbor and Bay City courthouses.

NOTIFICATION OF RULES AND CONDUCT

- Attorneys are responsible for notifying all attendees of these rules of conduct.

ATTENDANCE AND ENTRY

- Defense counsel must notify the case manager of any of the defendant's family members who plan to attend a proceeding at least 7 days in advance of the proceeding to ensure that the courtroom can accommodate the number of people attending. *The number of family members allowed in the courtroom will be restricted to the number of individuals who may be seated safely while observing proper social distancing and other protection requirements.*
- At least 7 days in advance of a proceeding, government counsel must notify the case manager of any victims and/or witnesses who will be in attendance to ensure that the courtroom can accommodate the number of people attending.
- For any attendee who is traveling to the courthouse from out of state (e.g., out-of-state attorneys, defendants, clients, victims, family members and witnesses), the domestic travel guidelines recommended by the Centers for Disease Control and Prevention (CDC) currently in effect will be followed by the Court. However, the Court may change its restrictions in response to pandemic conditions.
- Out-of-state attorneys and attendees who do not get tested before traveling and do not plan to quarantine in Michigan for seven (7) days before the proceeding will be required to produce their vaccination cards. Photocopies and pictures of vaccination cards are not acceptable.
- Out-of-state unvaccinated attendees must: **A)** have a COVID-19 test completed no more than three (3) days before travel, **B)** quarantine in Michigan for seven days before the proceeding date, and **C)** have a rapid COVID-19 test completed the day before the scheduled proceeding date. The rapid test results must be produced for entry into any courthouse in the Eastern District of Michigan.

- Defense attorneys may arrive at the courthouse 30 – 45 minutes before the proceeding start time to meet with a custodial client in the U.S. Marshal's Service interview room. Otherwise, attorneys and attendees are not to arrive at the courthouse any earlier than ten (10) minutes before the proceeding start time. Proceedings will begin at the scheduled start time. There will not be an opportunity for defense counsel to meet with a client in the courtroom.
- Attorneys must enter the courthouse using the doors on the appropriate side of the building as indicated in the notice to appear.
- All attendees entering the courthouse are to wear a surgical grade facial mask. Statement masks and masks with emblems are not permitted in the courthouse. Masks must be worn at all times.
- Attorneys must inform all attendees of the proper entrance to enter the courthouse.
- All persons entering the courthouse will be required to stop at the health screening kiosk to answer questions and have their temperature checked.
- Attorneys who do not pass the health screening will be asked to leave the building and are to contact chambers immediately.
- Attendees who do not pass the health screening will be asked to leave the building and are to contact the appropriate attorney immediately.
- Attorneys must ensure that attendees have their cell phone number in case they do not pass the health screening to enter the building. It is counsel's responsibility to inform the court if this situation occurs.
- In the Detroit courthouse, only two individuals are allowed to occupy an elevator car and must observe social distancing.
- Attorneys and other attendees may not enter the courtroom until asked by the case manager.

COURTROOM GUIDANCE

- Unless a person is waiting to enter the courtroom, congregating and sitting in the hallways is not permitted. All attendees must leave the building immediately after the proceeding has concluded. Counsel is responsible for informing all attendees of these requirements.

- Attorneys must inform all attendees of the courtroom number. The Clerk's Office is closed to the public and will not be able to provide any case information.
- Only the primary attorney representing a client may sit at counsel tables in the courtroom. If a second attorney or other office staff member is needed to assist the primary attorney, the primary attorney must contact chambers to inquire whether the additional person can be accommodated at counsel table or elsewhere in the courtroom.
- Attorneys will be required to wear a surgical grade mask at all times when in the courthouse and the courtroom.
- Sidebar conferences will be discouraged, but if necessary, they will be conducted using headsets.
- Attorneys are responsible for ensuring that writs for out-of-state custodial defendants and/or witnesses are issued and furnished to the U.S. Marshal's Service at least sixty (60) days in advance of the hearing.
- Each proceeding will be scheduled for one (1) hour, unless the Court informs the attorneys otherwise. Thirty (30) minutes will be allocated for cleaning the courtroom between proceedings.
- Hand sanitizer, disinfectant wipes, and facial tissue will be available in each courtroom.
- Decals will be placed on benches indicating where people may sit in the gallery.

WITNESS TESTIMONY AND EVIDENCE PRESENTATION

- All hearing participants must wear a surgical grade facial mask while in the courtroom (and everywhere else in the courthouse). A witness may remove a mask when testifying and replace it with a court-issued face shield for their face to be seen during his or her testimony.
- Attorneys and court staff must take all their papers, exhibits, and belongings out of the courtroom each evening to ensure that all surfaces can be cleaned in the courtroom. All conference rooms must be emptied of belongings, or all items placed in each evening in a location approved by the court, so that GSA or the cleaning contractor is able to thoroughly clean the conference rooms.

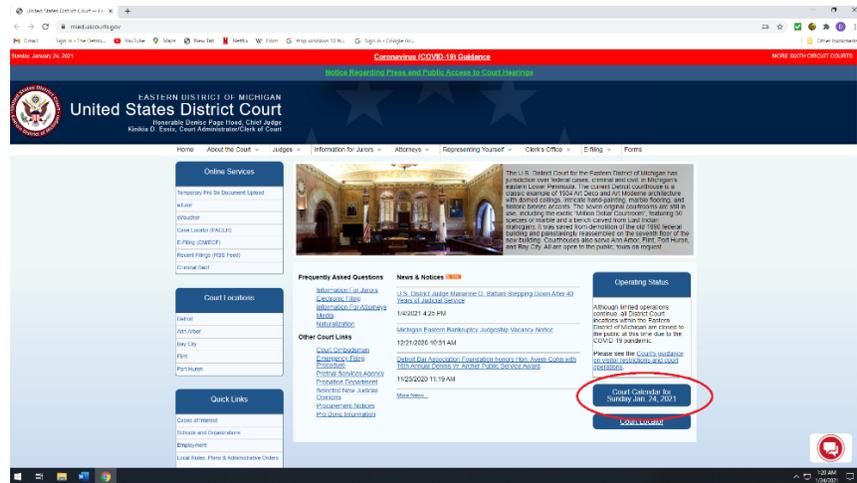
- Paper exhibits are discouraged. If possible, all documentary evidence should be presented electronically in the courtroom.
- All physical evidence must be contained in a plastic covering. The plastic covering should be wiped down with disinfecting wipes before it is provided to anyone in the courtroom.
- If it is necessary for a witness to review a paper document, the attorney should place any paper exhibits on the witness stand before the witness is called to testify.

Dev. 4/2021

How to Sign Up for Zoom Court Hearings at U.S. District Court for Eastern Michigan

Go to the court website: <https://www.mied.uscourts.gov/>

Click on the Court Calendar on the lower right side of the home screen:



On the next screen, select the hearing date with the left/right arrow keys or the "Jump to Date" calendar.

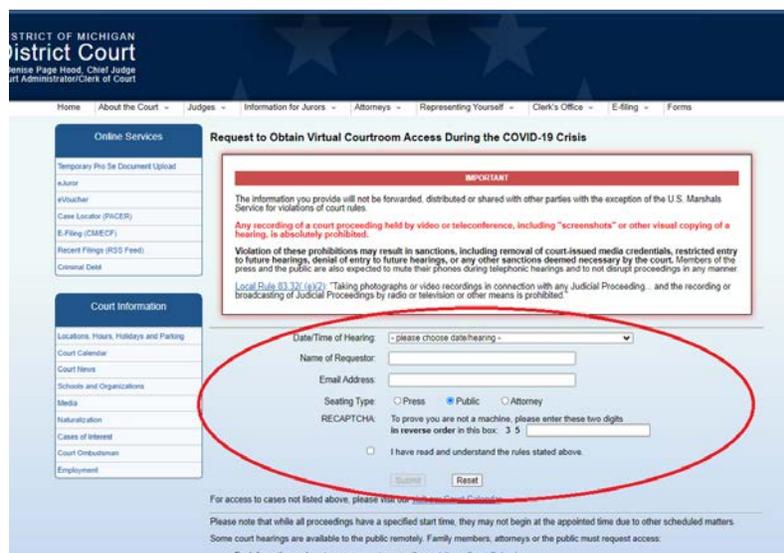


Duty Court Hearings (before Magistrate Judges)

To register for an arraignment, initial appearance on a criminal complaint or indictment, detention hearing or preliminary examination, go to “1 p.m. Magistrate Judge Unassigned” and click on the appropriate “Access Attendance Information” button. If you can’t find the defendant you are looking for, clicking on any of the access buttons will get you into any of the hearings.



On the next screen, click on the drop-down menu to select the hearing. Fill in your name and email address, seating type and fill in the numbers in reverse order without spaces. Check the “I have read and understand the rules stated above” box indicating you are aware of the prohibition against recording, photographing, videotaping, broadcasting or publishing court proceedings. **Violations result in automatic 90-day suspension for attending Zoom hearings.** Click on Submit.



The next screen provides the Zoom access link for the hearing. Copy and save it. It also may be sent to your email address. Do not share the code with anyone – everyone must register separately. Do not record, photograph, videotape, or broadcast or publish the proceedings. **Violations result in automatic 90-day suspension for attending Zoom hearings.**

Request to Obtain Virtual Courtroom Access During the COVID-19 Crisis

You have requested to virtually attend the hearing of Daily being held on Monday 01/25/2021 at 1:00 PM with Judge (Presiding Judge) presiding.

Information related to attending this event for hearing (Arraignment Court):

To connect to this event, please go to this link at the time scheduled (link will be inactive prior to 5 minutes before the scheduled time):
https://rebrand.ly/Mied_Duty0125

IMPORTANT

The information you provide will not be forwarded, distributed or shared with other parties with the exception of the U.S. Marshals Service for violations of court rules.

Any recording of a court proceeding held by video or teleconference, including "screenshots" or other visual copying of a hearing, is absolutely prohibited.

Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. Members of the press and the public are also expected to mute their phones during telephonic hearings and to not disrupt proceedings in any manner.

[Local Rule 83.32 \(e\)\(2\)](#): "Taking photographs or video recordings in connection with any Judicial Proceeding... and the recording or broadcasting of Judicial Proceedings by radio or television or other means is prohibited."

Please note that while all proceedings have a specified start time, they may not begin at the appointed time due to other scheduled matters.

Some court hearings are available to the public remotely. Family members, attorneys or the public must request access:

- For information on how to access court proceedings, [visit our Court Calendar](#).
- For access to initial appearances, arraignments, detention hearings, preliminary hearings, removal hearings, etc. (this list is not exhaustive), please visit our page for [Criminal Duty Court](#).
- Log-in information will also be available on [PACER](#).

Email the [Public Access Team](#) if you have any questions.

The link likely won't be active until five minutes before the hearing. Cases are taken in order and it may take several minutes or even a couple of hours before your case is called depending upon the number of cases on the docket.

Click on "Public Access Team" if you encounter problems.

If you can't find the name of the defendant, contact:

David_Ashenfelter@mied.uscourts.gov with the court,

Gina.Balaya@usdoj.gov with the U.S. Attorney's Office, or

check PACER, the federal docketing computer.

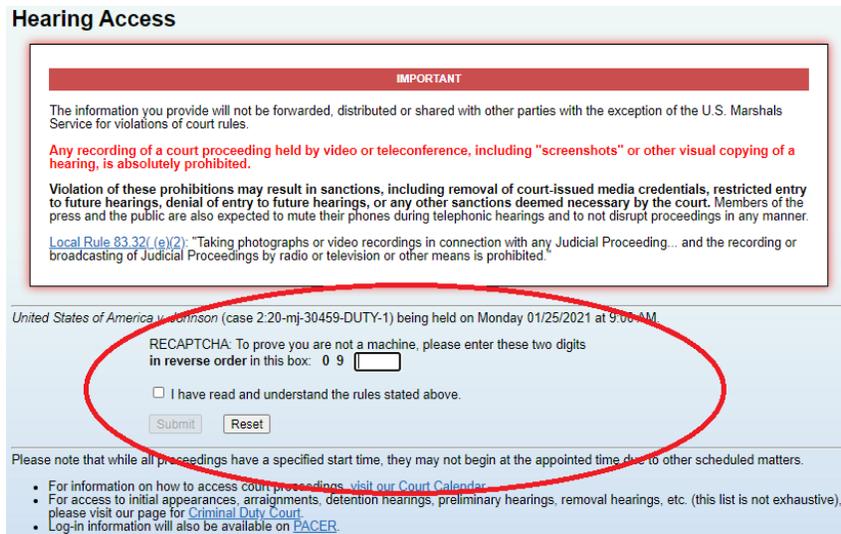
District Court Hearings (before District Judges)

Go to the date, time, judge and case, and click on the “Access Attendance Information” button.



On the next screen, fill in the numbers in reverse order without a space. Check the “I have read and understand the rules stated above” box indicating you are aware of the prohibition against recording, photographing, videotaping, broadcasting or publishing court proceedings. **Violations result in automatic 90-day suspensions for attending Zoom hearings.**

Click on Submit.



The next screen provides the Zoom access link for the hearing. Copy and save it. It also may be sent to your email address. The link will not be active until about five minutes before the hearing.

Remember that court rules prohibit recording, photographing, videotaping, broadcasting or publishing court proceedings. **Violations result in automatic 90-day suspension for attending Zoom hearings.**

Hearing Access

IMPORTANT

The information you provide will not be forwarded, distributed or shared with other parties with the exception of the U.S. Marshals Service for violations of court rules.

Any recording of a court proceeding held by video or teleconference, including "screenshots" or other visual copying of a hearing, is absolutely prohibited.

Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. Members of the press and the public are also expected to mute their phones during telephonic hearings and to not disrupt proceedings in any manner.

[Local Rule 83.32\(e\)\(2\)](#): "Taking photographs or video recordings in connection with any Judicial Proceeding... and the recording or broadcasting of Judicial Proceedings by radio or television or other means is prohibited."

United States of America v. Johnson (case 2:20-mj-30459-DUTY-1) being held on Monday 01/25/2021 at 9:00 AM.

Connection Information for *United States of America v. Johnson (2:20-mj-30459-DUTY-1)*:

ZoomGov Webinar: <https://www.zoomgov.com/j/1608953941?pwd=bGdtb1ZNOG5kYktQMlBTZC9OU0NsUT09> Passcode: 598143
One-tap Mobile: +16692545252, 1608953941#
Or Call: 669-254-5252 Webinar ID: 160 895 3941 Passcode: 598143

Please note that while all proceedings have a specified start time, they may not begin at the appointed time due to other scheduled matters.

- For information on how to access court proceedings, visit our [Court Calendar](#).
- For access to initial appearances, arraignments, detention hearings, preliminary hearings, removal hearings, etc. (this list is not exhaustive), please visit our page for [Criminal Duty Court](#).
- Log-in information will also be available on [PACER](#).

Email the [Public Access Team](#) if you have any questions.

Click on "Public Access Team" if you encounter problems.

If you can't find the name of the defendant, contact:

[David Ashenfelter@mied.uscourts.gov](mailto:David.Ashenfelter@mied.uscourts.gov) with the court,

Gina.Balaya@usdoj.gov with the U.S. Attorney's Office, or

check PACER, the federal docketing computer.