

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 and Hon. Mark Cohen

DATE: May 19, 2020

RE: Virtual District and County Court Dispositions

As we move to expand our virtual District and County Court operation, J. Cohen and I have prepared a protocol to utilize in scheduling both District and County Court pleas. As a general rule, only the assigned judge should request a case be scheduled for disposition, preferably on the day the judge is scheduled to appear remotely in an assigned part.

For dispositions on District Court misdemeanor/violation cases:

1. Contact the assigned judge for a conference and request the judge email suffarr@nycourts.gov to add the case to the calendar on the agreed upon date and time. If you don't know who the assigned judge is, call the District Court Clerk at 631-208-5829.
2. In order to calendar the case, please allow 48 hours notice so the files can be pulled, necessary paperwork exchanged, the calendar created, and the jail notified if necessary. This will also allow the assigned judge to speak to the judge sitting in D11 if the assigned judge is unable to handle the plea personally. Exceptions to the 48-hour notice requirement will be made in the event the disposition reached will result in the defendant's immediate release from jail.

3. The best time to schedule cases in D11 is before 11:00 a.m. when arraignments normally begin.
4. If an overflow part, i.e., D32 or D33 is necessary to accommodate the disposition due to the volume of arraignments in D11, the clerk will communicate with the assigned judge who will advise the parties.
5. Prior to the plea, the attorneys should contact Sheriff Attorney Liaison at 631-852-2247 to schedule a call with the client to go over any necessary paperwork and the terms of the pleas.
6. Prior to the plea, if there is paperwork requiring the Defendant's signature, the ADA will email it to Sheriff.records@suffolkcountyny.gov with courtesy copies to sufarr@nycourts.gov, the judge's court email and the Defense attorney.
7. At the time of the plea, the sheriff will provide the Defendant with the paperwork. Afterwards, the sheriff will scan and send the paperwork back to the ADA who will email it to the Defense Counsel and the court part, (either D11, D31, D32 or D33). Original paperwork will be delivered by the sheriff to the court the following morning in D11. In the alternative, the client should be prepared to give counsel or the court clerk permission to sign any documentation necessary to facilitate the plea on the client's behalf.
8. If the attorney wishes to consult with the client during the plea, the attorney can second call the case and speak to the defendant privately on the phone set up in the conference room at the jail. The Riverhead Attorney/Client Call Station # is 631-852-2698. The Yaphank Attorney/Client Call Station # is 631-852-7078. Once the attorney is ready, the attorney will sign back into the meeting and advise the clerk.
9. Currently, District Court is handling in-custody dispositions and out of custody pleas in absentia with an affidavit or where the D's appearance is waived. Other out of custody pleas will be considered on a case by case basis, with the court's approval, with the defendant appearing remotely from the attorney's office or where feasible, by utilizing the lobby feature in D32.

For SCI pleas before County Court and Acting County Court Judges:

1. SCI pleas should be conferenced with the assigned judge.
If you don't know who the assigned judge is, please call the Criminal Department at 631-852-1462.
2. Once the case is conferenced, the assigned judge should contact the Criminal Department 631-852-1462 to schedule the plea on the agreed upon date and time.
3. District Court Judges who are designated Acting County Court Judges will follow the same procedure, in that the request for an SCI plea must be made to the D31 clerk, but will request the dispositions be scheduled in D11 or D32, preferably on the date they are assigned to the part.

4. Prior to the plea, the attorneys should contact Sheriff Attorney Liaison at 631-852-2247 to schedule a call with the client to go over the paperwork and the terms of the plea.
5. Prior to the plea, if there is paperwork requiring the Defendant's signature, the ADA will email it to Sheriff.records@suffolkcountyny.gov with courtesy copies to the part at SCCC@nycourts.gov , the judge's court email and the Defense attorney.
6. At the time of the plea, the sheriff will provide the Defendant with the paperwork. Afterwards, the sheriff will scan and send the paperwork back to the ADA who will email it to the Defense Counsel and the court part, (either D11, D31, D32 or D33). Original paperwork will be delivered by the sheriff to the court the following morning in D11. In the alternative, the client should be prepared to give counsel or the court clerk permission to sign any documentation necessary to facilitate the plea on the client's behalf.
7. Please provide a minimum of 48 hours notice to allow for the exchange of paperwork. Exceptions will be made to accommodate pleas which will result in the immediate release of a defendant.
8. If the attorney wishes to consult with the client during the plea, the attorney can second call the case and speak to the defendant on the phone set up in the conference room where the defendant is sitting at the jail. The Riverhead Attorney/Client Call Station # is 631-852-2698. The Yaphank Attorney/Client Call Station # is 631-852-7078. Once the attorney is ready, the attorney will sign back into the meeting and advise the clerk.
9. Out of custody pleas will be considered on a case by case basis, with the court's approval, with the defendant appearing remotely from the attorney's office or where feasible, by utilizing the lobby feature in D31 or 32.

Attached is a list of emails and links to the parts. If you have any questions, please feel free to reach out to Judge Cohen and I. We are hopeful this provides more consistent guidance for the disposition of cases.

Cc: Hon. C. Randall Hinrichs;
All County and District Court Judges;
Michael Papparatto; Len Badia; Frank Tropea;
Kenneth Sasso

Part emails:

D11- Suffarr@nycourts.gov

D31- SCCC@nycourts.gov

D32 - SufD32@nycourts.gov

D33- SufD33@nycourts.gov

Part links:

D11- <https://meet.lync.com/nycourts/suff-ci-d11/8ZUQ856C>

D31 - <https://meet.lync.com/nycourts/suffcirollb/OF1QXL1H?sl=1>

D32- <https://meet.lync.com/nycourts/suffcirollc/3ZTZZPL8>

D33 - <https://meet.lync.com/nycourts/suffcirolla/T4S5DCPK>