

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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<b>UNITED STATES OF AMERICA</b>	:	<b>No.: 21-CR-83 (TNM)</b>
	:	
<b>v.</b>	:	
	:	
<b>BRANDON FELLOWS,</b>	:	
<b>Defendant.</b>	:	

**JOINT MOTION TO CONVERT THE IN-PERSON STATUS  
HEARING INTO A HEARING BY VIDEO CONFERENCE**

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully requests that this Court , jointly with counsel for the defendant, Cara Kurtz Halverson, Assistant Federal Public Defender, convert the in-person status hearing set May 6, 2021 to a video conference hearing. In support of this motion, undersigned counsel respectfully submits the following information for consideration of this request.

Counsel for the United States is detailed to the District of Columbia’s United States Attorney’s Office from the District of Kansas and is working from her home District. Attending in person would require a cross county flight for a short hearing. Additionally, not all the parties int his matter have been vaccinated. Both situations expose the parties and court personnel to health risks.

On March 16, 2021, Chief Judge Howell issued the fourth 90-day extension of Standing Order 20-17 (BAH). This Order continues to authorize video and telephone conferencing pursuant to the CARES Act because of the pandemic. *See* Standing Order, 21-14 (BAH). As noted in this Order, pursuant to the COOP Plan, “for public health and safety reasons, the expectation is that most proceedings will be conducted remotely, via video or teleconference.”

*Id.* at pg. 5, *see also*

<https://www.dcd.uscourts.gov/sites/dcd/files/Continuity%20of%20Operations%20Plan%20with>

[%20Appendices%20External%20030421.pdf](#). In addition, the Court has authorized the resumption of limited jury trials which will be limited to one jury per floor of the courthouse. *Id.* at pg. 5. It is undersigned counsel's understanding that jury trials will be occurring by May 6, 2021, albeit in a limited capacity. *Id.* This too may impact the number of people in close proximity in the courthouse at the time of our status hearing.

According to the Centers for Disease Control and Prevention's (CDC) website, the case numbers are surging despite vaccinations being offered nationwide. Notably, over the last 7 days there has been over 74,860 new cases of COVID-19, a 7-day case rate of 135.3 per 100,000. See [https://covid.cdc.gov/covid-data-tracker/#cases\\_casesper100klast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days). Further, the D.C. Government reported that a 7-day case rate of 17.1 per 100,000, and a test positivity rate of 4.7%. See <https://coronavirus.dc.gov/release/coronavirus-data-april-8-2021>.

The prior status hearing in this matter was held on March 3, 2021 by video conference. At that time the Court indicated a willingness to reconsider the in-person hearing due to government counsel being in Kansas, and defense counsel's status as unvaccinated. The parties are requesting that the court reconsider and hold the hearing virtually as before.



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**v.**

**BRANDON FELLOWS,**

**Defendant.**

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**Criminal No. 21 CR 83 (TNM)**

**ORDER**

Based upon the representations in the Joint Motion of the United States and Counsel for Defense to Convert the In-person Status Hearing to a Video Conferencing Hearing, the Court makes the following findings:

Counsel for the United States is detailed to the District of Columbia’s United States Attorney’s Office from the District of Kansas and is working from her home District. Attending in person would require a cross county flight for a short hearing. Additionally, not all the parties in this matter have been vaccinated. Both situations expose the parties and court personnel to health risks.

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Therefore, it is this \_\_\_\_ day of April, 2021

**ORDERED** that the Joint Motion of the United States and Counsel for Defense to Convert the In-person Status Hearing to a Video Conferencing Hearing is hereby GRANTED, and that the May 6, 2021 status hearing set at 10:00 a.m. will be by video conferencing.

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THE HONORABLE TREVOR N. MCFADDEN  
UNITED STATES DISTRICT JUDGE