

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

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UNITED STATES OF AMERICA,

v.

ETHAN NORDEAN, et al.,

Defendants.

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Case No. 1:21-cr-175-TJK

**DEFENDANT NORDEAN’S NOTICE OF D.C. DEPARTMENT OF CORRECTIONS’  
MODIFIED STAY-IN-PLACE COVID-19 PROCEDURES**

Defendant Nordean files this notice to inform the Court that, effective December 22, the District of Columbia Department of Corrections (DOC) implemented new procedures in response to the recent surge of Covid-19 cases in the district. These bear on the government’s demand that Nordean either remain incarcerated in solitary confinement in FDC SeaTac until his trial or be transferred to the D.C. Jail, notwithstanding 18 U.S.C. § 3142(i).

Last week, Covid-19 infections reached an all-time high in the District of Columbia, averaging more than 1,300 cases a day. The city’s daily infection rate—186 out of 100,000 people—appears to be higher than in any state in the country. *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. Times, Updated Dec. 27, 2021, available at: [https://www.nytimes.com/interactive/2021/us/covid-cases.html?name=stylncoronavirus&region=TOP\\_BANNER&block=storyline\\_menu\\_recirc&action=click&pgtype=Interactive&variant=0\\_Control&is\\_new=false](https://www.nytimes.com/interactive/2021/us/covid-cases.html?name=stylncoronavirus&region=TOP_BANNER&block=storyline_menu_recirc&action=click&pgtype=Interactive&variant=0_Control&is_new=false).

As a result, DOC “proactively decided to move back to the modified stay in place which will cease social visitations . . .” Coronavirus Notice, D.C. Department of Corrections, Dec. 22, 2021, available at: <https://doc.dc.gov/page/coronavirus-prevention>. In other words, the D.C. Jail

is now on indefinite lockdown. There are no face-to-face legal visits. *Id.* Because “contactless” visits are conducted through a glass partition, counsel cannot review evidence together with the defendant and such visits are also not private and therefore could not entail privileged attorney-client communication. As for video teleconferencing, Nordean has previously advised the Court that, according to the D.C. Office of the Federal Public Defender, a January 6 inmate housed in the D.C. Jail can expect no more than one video meeting per week, but likely less often than that. ECF No. 127, p. 6. As Nordean previously indicated, ECF No. 258, the current wait time to review electronic evidence in the D.C. Jail is between 4-6 weeks but that timeframe is misleading, as inmates frequently run out of battery power before completing reviews of electronic evidence and are then required to wait another 4-6 weeks for renewed computer access.

Dated: December 27, 2021

Respectfully submitted,

/s/ David B. Smith

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**Certificate of Service**

I hereby certify that on the 27th day of December, 2021, I filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following CM/ECF user(s):

Jim Nelson  
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And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

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