IN THE CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

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STATE OF LOUISIANA )

) Case No.

v. ) Section F

) Judge Robin Pittman

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**MOTION TO LIFT PROBATION HOLD OR SET A PROBATION BOND**

Comes the detainee, by counsel, and respectfully moves this Court to lift the probation hold in the above captioned matter or, in the alternative, to set a probation bond. In support of which, counsel states:

**Changed Circumstances: COVID-19 Outbreak**

Currently, New Orleans is experiencing a COVID-19 outbreak via community transmission. As of March 11, 2020, six Louisiana Residents, including three New Orleans residents, have tested presumptively positive for the virus.[[1]](#footnote-1) Public health officials recommended community actions to reduce people’s risk of being exposed to COVID-19, and to date, the City has cancelled many events.[[2]](#footnote-2)

With confirmed cases, we must take action to protect our especially vulnerable populations and, in turn, the community at large. According to the Center for Disease Controls and Prevention, people at higher risk of suffering from the virus include: (1) adults over the age of 60 and (2) people who have serious chronic medical conditions like heart disease, diabetes, and lung disease.[[3]](#footnote-3)

People regularly cycle in and out of jails, people who work within them come and go daily, and visitors regularly stream through. Outbreaks of the flu regularly occur in jails, and during the H1N1 epidemic in 2009, many jails and prisons dealt with high numbers of cases.[[4]](#footnote-4) Many people who are incarcerated also have chronic conditions, like diabetes or HIV, which makes them vulnerable to severe forms of COVID-19.

When coronavirus suddenly exploded in China’s prisons, there were reports of more than 500 cases spreading across five facilities in three provinces. Earlier this week, in Iran, 54,000 inmates were temporarily released amid concerns around the virus.[[5]](#footnote-5)

**Defendant is particularly vulnerable**

[Defendant] is vulnerable because he is over the age of 60/has a serious medical condition. As such, the defendant moves the court to release him on his own recognizance or drastically reduce his bond in this case.

WHEREFORE, the detainee, by counsel, respectfully moves this Honorable Court to order the probation hold be lifted or, in the alternative, that a bond be set.

Respectfully Submitted,



Madeleine McKay Jennings, Bar #38287

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Certificate of Service

I hereby certify that I have caused to be served a copy of the foregoing document upon the prosecution on or about the day of filing.



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**ORDER**

Premises Considered, it is HEREBY ORDERED that the probation hold in the above captioned matter be lifted or that a ten-day hearing pursuant to La. C. Cr. P. 899 be conducted on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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Judge Robin Pittman

Section D

Criminal District Court, Orleans

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. https://www.wdsu.com/article/6-presumptive-positive-coronavirus-cases-confirmed-in-louisiana/31357228 [↑](#footnote-ref-1)
2. https://www.wwltv.com/article/news/health/coronavirus/list-closures-events-cancelled-due-to-coronavirus-around-new-orleans/289-6648646a-40ee-4a04-9b8a-ccbd698420f2 [↑](#footnote-ref-2)
3. https://www.cdc.gov/coronavirus/2019-ncov/index.html [↑](#footnote-ref-3)
4. https://www.theverge.com/2020/3/7/21167807/coronavirus-prison-jail-health-outbreak-covid-19-flu-soap [↑](#footnote-ref-4)
5. https://apnews.com/af98b0a38aaabedbcb059092db356697 [↑](#footnote-ref-5)