

Sep 25 2020

United States District Court
Northern District of Ohio
General Order

AMENDED GENERAL ORDER NO. 2020-06

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

In Re:

Video and Telephone Conferencing
for Criminal Proceedings Under the
CARES Act

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ORDER NO. 2020-06-2

On March 13, 2020, the President declared a national emergency under the National Emergencies Act (50 U.S.C. § 1601, et seq.) with respect to the Coronavirus Disease 2019 (COVID-19).

On March 27, 2020, Congress passed legislation authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the course of the COVID-19 emergency. See The CARES Act, H.R. 748. On March 29, 2020, the Judicial Conference of the United States found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally. Consistent with that authority, the Court issued General Order 2020-06 on March 30, 2020 and Amended General Order 2020-06-1 on June 26, 2020.

As Chief Judge, and pursuant to Section 15002(b)(1) of the legislation, I hereby authorize the extension of the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the legislation:

- (1) Detention hearings under Section 3142 of Title 18, United States Code.
- (2) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.

- (3) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
- (4) Waivers of Indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
- (5) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (6) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
- (7) Pretrial release revocation proceedings under Section 3148 of Title 18, United States Code
- (8) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (9) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (10) Proceedings under 403 of Title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to Section 15002(b)(2), I further specifically find that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person in this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, I will review this authorization and determine whether to extend it.

IT IS SO ORDERED.

FOR THE COURT



Patricia A. Gaughan
Chief Judge