

MAR 30 2020

JAMES N. HATTEN, Clerk
By: *James Hatten* Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

**IN RE: EMERGENCY AUTHORIZATION
OF VIDEO TELECONFERENCING AND
TELEPHONE CONFERENCING IN
CRIMINAL PROCEEDINGS DUE TO THE
COVID-19 PANDEMIC**

GENERAL ORDER 20-04

ORDER

This General Order is being issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) within the Northern District of Georgia and the rapidly evolving threat to health and safety posed by that outbreak. The Court notes that the conditions that prompted the issuance of General Order 20-01 continue to persist within the district, as the number of confirmed cases of COVID-19 has increased exponentially. This Court recognizes that emergency conditions exist throughout the District.

In recognition of the unprecedented and unique challenges the COVID-19 pandemic has placed on federal courts, Congress has passed and the President has signed legislation authorizing the use of video teleconferencing and telephone conferencing under certain circumstances and with the consent of the defendant for various criminal proceedings during the COVID-19 emergency. *See* the CARES Act, H.R. 748.

Pursuant to the CARES Act, the Judicial Conference of the United States has found that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19 will

materially affect the functioning of the federal courts generally. This Court, by *sua sponte* motion, finds that it is necessary to allow certain proceedings in criminal matters to proceed by video teleconferencing or telephone conferencing in order to facilitate the administration of justice while at the same time protecting the health and safety of parties, counsel, court staff, and others. Therefore, the Court **ORDERS** as follows:

I. Pursuant to Section 15002(b)(1) of H.R. 748, the Court hereby authorizes the use of video teleconferencing (or telephone conferencing if video teleconferencing is not reasonably available) for the following events:

- (A) Detention hearings under section 3142 of title 18, United States Code;
- (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure;
- (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure;
- (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure;
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure;
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure;
- (G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code;

(H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure;

(I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure; and

(J) Proceedings under chapter 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.

II. Pursuant to Section 15002(b)(2) of H.R. 748, the Court finds 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 without seriously jeopardizing public health and safety. If the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconference or by telephone conference if video teleconferencing is not reasonably available.

III. Video teleconferencing or telephone conferencing authorized under this Order may take place only with the consent of the defendant, or the juvenile, after consultation with counsel.

IV. This Order is effective immediately and shall be in effect until the earliest of the following: (1) the date that is 30 days after the date on which the national emergency declaration terminates; (2) the date on which the Judicial Conference of the United States

finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19 no longer materially affect the functioning of either the federal courts generally or this district; or (3) the Order is terminated by this Court.

IT IS SO ORDERED, this 30 day of March 2020.



THOMAS W. THRASH, JR.
CHIEF UNITED STATES DISTRICT JUDGE