



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE:

CORONAVIRUS PUBLIC EMERGENCY

AUTHORIZING VIDEO-
TELECONFERENCING AND TELEPHONE
CONFERENCING FOR CRIMINAL
PROCEEDINGS UNDER SECTION 15002
OF THE CORONAVIRUS AID, RELIEF,
AND ECONOMIC SECURITY (CARES)
ACT

GENERAL ORDER NO. 614

This court issues this General Order¹ as another in a series of General Orders in response to the exponential spread of the Coronavirus Disease 2019 (COVID-19) in the Eastern District of California and elsewhere, making the following findings and orders:

WHEREAS on March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, H.R. 748 (the “CARES Act”), into law;

WHEREAS on March 29, 2020, pursuant to Sections 15002(b)(1) and 15002(b)(2)(A) of the CARES Act, the Judicial Conference of the United States 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 have affected and will materially affect the functioning of the federal courts generally;

¹ As the court was preparing this order on its own motion, it received email communications from the U.S. Attorney and Federal Defender for the Eastern District of California. The court has considered those communications in finalizing this order.

WHEREAS, this court has previously issued General Order Nos. 610, 611, 612 and 613, making findings and implementing temporary emergency procedures in response to the COVID-19 crisis, and those General Orders remain in effect;

WHEREAS, for the reasons previously set forth in those orders, I 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 generally cannot be conducted in person in this district without seriously jeopardizing public health and safety;

WHEREAS, given infrastructural and technological limitations both within the court system, the various jails in the district housing federal detainees, and the Bureau of Prisons, videoconferencing is not yet reasonably available to conduct most if not all criminal hearings in the Eastern District of California;

As Chief Judge, under the authority granted by Section 15002(b)(1) of the CARES Act, I hereby order as follows:

(1) I hereby authorize the use of videoconferencing, or telephone conferencing if videoconference is not reasonably available, for all events listed in Section 15002(b) of the CARES Act, including:

- a. Detention hearings under 18 U.S.C. § 3142;
- b. Initial appearances under Fed. R. Crim. P. 5;
- c. Preliminary hearings under Fed. R. Crim. P. 5.1;
- d. Waivers of indictment under Fed. R. Crim. P. 7(b);
- e. Arraignments under Fed. R. Crim. P. 10;
- f. Probation and supervised release revocation proceedings under Fed. R. Crim. P. 32.1;
- g. Pretrial release revocation proceedings under 18 U.S.C. § 3148;
- h. Appearances under Fed. R. Crim. P. 40;
- i. Misdemeanor pleas and sentencings as described in Fed. R. Crim. P. 43(b)(2); and

j. Proceedings under 18 U.S.C. ch. 403 (the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

(2) 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 videoconferencing, or teleconferencing if videoconferencing is not reasonably available, for the felony plea or sentencing in that case. The defendant’s consent may be obtained on the record at the time of the relevant event and need not be in writing.

(3) As provided by Section 15002(b)(3) of the CARES Act, the authorization provided in this order 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.

DATED: March 30, 2020.

FOR THE COURT:



CHIEF UNITED STATES DISTRICT JUDGE