

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>IN RE:</b>	)	
<b>CRIMINAL CASE OPERATIONS</b>	)	<b>STANDING ORDER 15</b>
<b>DUE TO CIRCUMSTANCES CREATED BY</b>	)	<b>(AMENDED)</b>
<b>COVID-19</b>	)	

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 Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (“CARES Act”). The Judicial Conference of the United States has also 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.

As Chief Judge, and pursuant to Section 15002(b)(1) of the CARES Act, I entered this Standing Order 15 on March 30, 2020, to authorize 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. I further extended this Order on June 25, 2020, for another 90 days, and again on September 21, 2020, December 21, 2020, and March 22, 2021, as permitted by the CARES Act, after which the court permitted it to expire. As a result of the Delta variant of COVID-19, the court renewed the Order on August 6, 2021, through November 4, 2021, and on November 3, 3021, through February 1, 2022, as permitted by the CARES Act.

The purpose of this amended Order is to renew that authorization in light of the number of infections and the continued variants of COVID-19 in the counties of this district in which the courthouses are located, as well as the risks of infection with the transport of defendants to and from detention facilities. The authorization will be renewed for a 90-day period, as permitted by the CARES Act, after which the court will assess whether further authorizations are necessary.

Accordingly, pursuant to Section 15002(b)(1) of the legislation, I hereby authorize 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, with the consent of the defendant after consultation with counsel.

Pursuant to Section 15002(b)(2), I specifically find that there are 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 that 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 CARES Act, this renewed authorization will remain in effect for an additional 90 days (through May 2, 2022), unless terminated earlier. If emergency conditions continue to exist after May 2, 2022, this authorization will be reviewed and a determination will be made whether to extend it.

SO ORDERED.

This the 31<sup>st</sup> day of January, 2022.

          /s/          Thomas D. Schroeder  
Chief United States District Judge