

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

FILED in the Middle District of North Carolina
December 21, 2020 8:14 am
Clerk, US District Court By: <u> JSB </u>

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

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, as permitted by the CARES Act. The purpose of this amended Order is to renew that authorization for another 90-day period, as permitted by the CARES Act.

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 March 22, 2021), unless terminated earlier. If emergency conditions continue to exist after March 22, 2021, this authorization will be reviewed and a determination will be made whether to extend it.

SO ORDERED.

This the 21st day of December, 2020.

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