

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

**SCHEDULING ORDER
Governing the JUNE 2020 Criminal Term**

The COVID 19 pandemic continues to cause disruptions which make it difficult to predict whether normal court procedures and schedules will be available during the June criminal term. The Court hopes to continue video conferencing capacity for defendants in custody during the June term. It is also possible that appearances may occur in person. The Court may have a status conference with counsel in each case, if feasible and appropriate. In an effort to move as many cases along as is feasible under the circumstances and to increase the chances that cases are ready to go as soon as circumstances allow, the following procedures are required of all cases set for the **June 2020** Criminal Term. All counsel and the defendant are **ORDERED** to comply.

ARRAIGNMENTS

Defendants may want to consider video arraignment pursuant to the CARES Act or Fed. R. Crim. P. 10.

RULE 11 HEARINGS, MOTIONS, AND TRIALS

If the Government intends to make a plea offer, it shall do so promptly. For those defendants who plan to plead guilty, counsel shall undertake all reasonable efforts to file signed plea agreements no later than **12:00 Noon, May 29, 2020**.

All motions by the defendant or the Government shall be filed on or before **Friday, May 15, 2020**, and responses shall be filed on or before **Friday, May 22, 2020**. The briefing shall address whether a hearing is required or requested and if so, whether witnesses will be called. If a motion becomes moot, counsel for the moving party shall file a notice of withdrawal of motion.

STATUS REPORTS

In each case, if a plea agreement is not filed on or before **May 29, 2020**, Counsel for the defendant and Counsel for the Government shall confer and no later than **12:00 Noon, May 29, 2020**, shall file a joint status report (see Attachment) providing the following information:

1. Whether the case is for guilty plea or trial, and if not, identification of reasons the case is not ready for Rule 11 hearing or trial.
2. Identification of any pending motions requiring resolution and whether the defendant must be present for a hearing on the motion.
3. Application of Speedy Trial Act deadlines.
4. If the case is ready for Rule 11 hearing, whether the defendant consents to a video conference or whether he wishes to wait for an in-person hearing.
5. If a defendant has previously waived counsel and is representing himself or herself, he or she shall file a status report and the Government shall file a separate status report.

6. If the case is for trial, the parties shall detail the estimated length of trial, the number of witnesses anticipated, and any anticipated issues the court should address by pretrial conference.
7. The parties may use the attached form or may provide the information in any other appropriate format.

SCHEDULING

The Court may schedule matters for in-person hearings, if appropriate, or for video conference, if appropriate and necessary. Matters requiring an in-person hearing will be held open until an appropriate time and scheduled by the presiding judge or by Standing Order. Defense Counsel **SHALL** notify the U.S. Attorney's Office of any scheduling conflicts during June no later than, **Friday, May 29, 2020**.

NOT GUILTY PLEA (JURY TRIAL)

Any case ready for trial will be set for pretrial conference and trial during the summer, subject to further continuance should the COVID-19 pandemic continue. Trial briefs are due five business days before the trial date.

This the 1st day of May, 2020.

/s/ William L. Osteen, Jr.
United States District Judge

ATTACHMENT

UNITED STATES v. [Insert Defendant's name] __CR_____

JOINT STATUS REPORT

Pursuant to the applicable Scheduling Order, Counsel for the defendant and Counsel for the Government inform the Court as follows:

- A plea agreement has been signed and filed
- The parties have agreed on a plea agreement and a written plea agreement will be filed no later than _____
- The defendant intends to plead guilty without a written plea agreement.

If any of the above three boxes is checked, check at least one box below:

- the defendant consents to a video conference Rule 11 hearing.
- the defendant is or will be ready to proceed with a Rule 11 hearing as soon as an in-person hearing can be scheduled.
- The matter is not ready for Rule 11 hearing or trial because:
 - there is a pending motion which must be resolved. The motion is on the docket at Doc. _____.
 - The motion does does not require a hearing at which the defendant must be present.
 - There are outstanding discovery issues which must be resolved
- The defendant does not intend to plead guilty and the case needs to be set for jury trial.

[] The parties have discussed the requirements of the Speedy Trial Act and

[] The Government [] has filed [] intends to file a motion to exclude time from Speedy Trial Act calculations, to which the defendant will not or does not object.

[] There are no Speedy Trial Act issues unless the expected Rule 11 hearing cannot be completed before _____, 2020.

[] Other information relevant to scheduling:

[] If the parties agree on a scheduling or case management plan, provide the agreement here or in an attachment, with any explanation needed as to its propriety:

This ___ day of _____, 2020.

Name
Counsel for the Defendant

Name
Counsel for the Government