

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

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

The COVID 19 pandemic continues to cause disruptions which make it difficult or impossible to follow normal court procedures and schedules, and it seems doubtful the pandemic will have receded enough to proceed normally during the May criminal term. The Court hopes to have in place video and/or telephone conferencing capacity for defendants in custody during the May term. Even if it is not, the Court may have a status telephone 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 **May 2020** Criminal Term. All counsel and the defendant are **ORDERED** to comply:

ARRAIGNMENTS

Defendants may want to consider waiver of appearance or video arraignment, if it becomes feasible, pursuant to Federal Rule of Criminal Procedure 10. If a waiver is filed, defense counsel need not appear before the court. Otherwise, all arraignments will be conducted by Magistrate Judges, unless a defendant intends to plead Guilty at arraignment, in which case counsel shall notify the Magistrate Judge and the case manager and shall file a signed plea agreement.

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, April 30, 2020**.

All motions by the defendant or the Government, **including motions to suppress or to dismiss but not including motions to continue**, shall be filed on or before **Wednesday, April 22, 2020**, and responses shall be filed on or before **Wednesday, April 29, 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, Counsel for the Defendant and Counsel for the Government shall immediately confer and no later than **12:00 Noon, May 1, 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 and whether a continuance will be requested by either or both parties.
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, a telephone conference, or both, 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. The parties may use the attached form, or may provide the information in any other appropriate format.

SCHEDULING

Only such matters as can be heard *via* video conference or teleconference will be scheduled for the week of May 4, 2020, if such a conference is feasible. Thereafter, the Court may schedule matters for in-person hearings, if appropriate, or for video conference or teleconference, if appropriate and feasible. 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 May no later than, Monday, **April 27, 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 8th day of April, 2020.

/s/ Catherine C. Eagles, 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 consents to a teleconference 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 April, 2020.

Name
Counsel for the Defendant

Name
Counsel for the Government