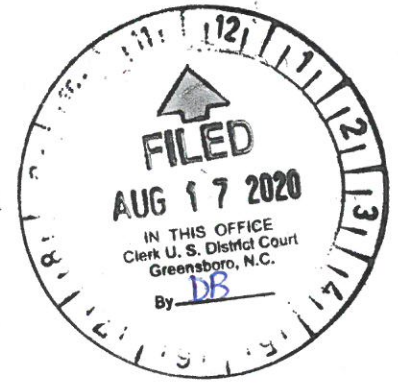


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

\*AMENDED SCHEDULING ORDER  
Governing the SEPTEMBER 2020 Criminal Term



The COVID-19 pandemic continues to cause disruptions which make it difficult to follow normal court procedures and schedules. A safe court environment is in the interests of justice, and the Court has in place video and telephone conferencing capacity for appropriate non-jury, non-evidentiary proceedings if a defendant wishes to avoid delays and health risks associated with in-person hearings. Because precautions taken to protect public and individual health make scheduling more difficult and often means every proceeding takes more time, in an effort to increase the chances that cases are ready to proceed as soon as circumstances allow, the following procedures are required of all cases set for the **September 2020** Criminal Term.

#### MOTIONS

All motions submitted by the Defendant or the Government shall be filed on or before **Monday, August 10, 2020**, and responses shall be filed on or before **Monday, August 17, 2020**. The motion and or brief shall address whether hearing is required or requested and whether witnesses will be called. **If the need for a hearing shall become moot, the moving party shall immediately notify the Court in writing.**

#### ARRAIGNMENTS

Defendants may consider waiver of appearance or video arraignment, 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. Consents to video arraignment shall be filed on or before **August 28, 2020**.

#### PLEA AGREEMENT

Plea agreements, if any, shall be filed in the Office of the Clerk of Court not later than 12:00 noon, **August 28, 2020**. **If no plea agreement is filed, on or before the August 28, 2020, defense and government counsel shall file a joint status report no later than August 28, 2020 providing the information in attached Exhibit A.**

#### PLEA CHANGES

The Defendants may consider change of plea hearings via video conference and if so, shall file a consent on or before **August 28, 2020**.

## SCHEDULING

The week of **September 8, 2020** is reserved for non-jury matters that can be heard via video conference or teleconference and for which consents have been filed. Other non-jury matters will be heard throughout the term as required to complete court business. Defense Counsel **SHALL** notify the U.S. Attorney's Office of any scheduling conflicts during September no later than, **Monday, August 28, 2020**. Other matters that require in person hearings, shall be scheduled subject to public health considerations arising from the pandemic. The Court will determine if in person trials or hearings can be conducted.

## NOT GUILTY PLEA (JURY TRIAL)

Trials will begin on or after **September 14, 2020** if the Court deems feasible subject to the COVID-19 pandemic. Trial briefs shall be due at least five (5) days prior to scheduled trial and shall identify and address all evidentiary issues expected to be in dispute.

**This, the 17<sup>th</sup> day of August, 2020.**

/s/ John S. Brubaker, Clerk

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 \_\_\_\_\_ 2020.

\_\_\_\_\_  
Name  
Counsel for the Defendant

\_\_\_\_\_  
Name  
Counsel for the Government