

FILED

Mar - 30 2020

Robert R. Carr
Clerk, U.S. District CourtUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY**In Re:****COURT OPERATIONS RELATED
TO COVID-19****GENERAL ORDER
No. 20-05**

*** **

Congress has passed legislation, signed by the President, 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 CARES Act, H.R. 748. Further, the Judicial Conference of the United States has found that emergency conditions due to the national emergency declared by the President have affected and will materially altered the functioning of the federal courts generally. Therefore, as Chief Judge, upon my own motion and pursuant to Section 15002(b)(1) of the legislation, it is hereby

ORDERED as follows:

I authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for the following events listed in Section 15002(b)(1) of the legislation:

- (A) detention hearings under 18 U.S.C. § 3142;
- (B) initial appearances under Rule 5 of the Federal Rules of Criminal Procedure;
- (C) preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure;

(D) waiver of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure;

(E) arraignments under Rule 10 of the Federal Rules of Criminal Procedure;

(F) initial appearances and preliminary hearings regarding revocation pursuant to Rule 32.1(a) and Rule 32.1(b)(1)¹ of the Federal Rules of Criminal Procedure;

(G) pretrial release revocation proceedings under 18 U.S.C. § 3148;

(H) appearances under Rule 40 of the Federal Rules of Criminal Procedure;

(I) misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure; and

(J) proceedings under chapter 403 of the Federal Juvenile Delinquency Act, 18 U.S.C. § 5031, *et seq.*, except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.²

With respect to the matters listed above, due to the nature of the proceedings, the conditions present, and the need for expeditious treatment of the matter, I specifically find that these proceedings cannot be reasonably 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 any of the above listed proceedings cannot be further delayed without serious harm to the interest of justice, the judge may, with consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing

¹ As explained herein, final hearings regarding revocation of probation or supervised release are excluded from the authorization allowing video conferencing or telephone conferencing

² Rule 5, Rule 10, and Rule 40 of the Federal Rules of Criminal Procedure currently permit the use of video teleconferencing with the consent of the defendant. Further, Rule 43(b) outlines when a defendant's presence is not required.

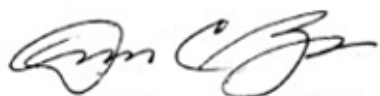
is not reasonably available, for the proceeding. Judges may also use this authority for equivalent events in juvenile cases described in Section 15002(b)(2)(B).

As Chief Judge, I **DO NOT FIND** that felony plea hearings may be conducted by video or telephone conferencing pursuant to Rule 11 of the Federal Rules of Criminal Procedure or that felony sentencing hearings may be conducted pursuant to Rule 32 of the Federal Rules of Criminal Procedure by video conferencing or telephone conferencing pursuant to Section 15002(B)(2). Likewise, I do not find that final hearings regarding alleged violation(s) of probation or supervised release conditions may be conducted under Rule 32.1(b)(2) of the Federal Rules of Criminal Procedure by video conferencing or telephone conferencing pursuant to Section 15002(B)(1). The findings outlined in the preceding paragraph does not apply to these matters.

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days for the entry of this order, I will review this authorization and determine whether to extend it.

Dated: March 30, 2020.




Danny C. Reeves, Chief Judge
United States District Court
Eastern District of Kentucky