IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA 20-SO-9-1

FILED
JUL 1 3 2020

PETE	RA. MU		CLERK
USI	DISTRICT	COURT,	EDNC
WY	FALL	1	DEP CLK

N RE:)	
VIDEO CONFERENCING FOR)	REVISED
CRIMINAL PROCEEDINGS UNDER)	STANDING ORDER
THE CARES ACT AND IN LIGHT OF)	
THE COVID-10 PANDEMIC)	

On March 27, 2020, 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, pursuant to certain findings by the Judicial Conference of the United States. *See* CARES Act, H.R. 748, Pub. L. No. 116-136. On March 29, 2020, the Judicial Conference 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.

On March 31, 2020, as Chief Judge of the United States District Court for the Eastern District of North Carolina. I authorized the use in this district of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b)(1)(A)-(J) of the Act. See Standing Order 20-SO-7. I further found that 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 could not be conducted in person in this district without seriously jeopardizing public health and safety, and I authorized video and telephone conferencing in felony plea and sentencing proceedings in conformance with the CARES Act. I further ordered, pursuant to Section 15002(b)(3) of CARES Act, that the aforementioned authorization would remain in effect for up to 90 days, or June 29, 2020, and if emergency conditions continued to exist, I would determine whether the authorization would be extended.

On June 29, 2020, I extended authorization for conducting video and telephone conference proceedings for all events listed in Section 15002(b)(1)(A)-(J) with the consent of the defendant or juvenile. *See* Standing Order 20-SO-9. I did not extend authorization for conducting video and telephone conference proceedings for felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and sentencings under Rule 32 of the Federal Rules of Criminal Procedure.

Circumstances in this district have changed such that entry of this revised order is warranted. There have been at least 87,528 confirmed cases of COVID-19 within the State of North Carolina. Due to the impact of the COVID-19 pandemic, the court is now unable to utilize two of its locations and two district judges are at this time unable to conduct in-person court proceedings. Taking this into account, and in order to allow the judges on this court to continue to preside over their active criminal cases, I revise my June 29, 2020, Standing Order as follows.

In addition to finding that events listed in Section 15002(b)(1)(A)-(J) of the CARES Act may be conducted by video or telephone conference with the consent of the defendant or juvenile, I further find that, pursuant to Section 15002(b)(2) of the CARES Act, felony pleas under Rule11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot in some cases in this district be conducted in person without seriously jeopardizing public health and safety. Accordingly, 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 authorization will remain in effect for 90 days from June 29, 2020, the date of entry of Standing Order 20-SO-9, unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of Standing Order 20-SO-9, I will review this authorization and determine whether to extend it.

SO ORDERED, this **43** day of July, 2020.

Terrence W. Boyle

Chief United States District Judge