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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 IN RE:

ORDER OF THE CHIEF JUDGE
20-043

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12 CORONAVIRUS PUBLIC
13 EMERGENCY

14 USE OF VIDEO AND TELEPHONIC
15 CONFERENCE TECHNOLOGY IN
CERTAIN CRIMINAL PROCEEDINGS

16 WHEREAS on March 13, 2020, the President of the United States issued a
17 proclamation declaring a National Emergency in response to the Coronavirus Disease-
18 2019 (“COVID-19”) pandemic pursuant to the National Emergencies Act (50 U.S.C. §
19 1601, *et seq.*);

20 WHEREAS on March 27, 2020, Congress passed the Coronavirus Aid, Relief,
21 and Economic Security Act (“CARES Act”), which authorized the Judicial
22 Conference of the United States to provide authority to Chief District Judges to
23 permit the conduct of certain criminal proceedings by video or telephonic conference;

24 WHEREAS the President signed the CARES Act into law on March 27, 2020;

25 WHEREAS on March 29, 2020, the Judicial Conference of the United States
26 made the appropriate findings as required under the CARES Act, finding specifically
27 that “emergency conditions due to the national emergency declared by the President
28 under the National Emergencies Act (50 U.S.C. § 1601, *et seq.*) with respect to the

1 Coronavirus Disease 2019 (COVID-19) have materially affected and will
2 materially affect the functioning of the federal courts generally;”

3 Acting pursuant to § 15002(b) of the CARES Act and the authority
4 granted by the Judicial Conference of the United States, I make the following
5 findings and order:

6 1. I find that emergency conditions due to the COVID-19 virus outbreak
7 will materially affect the functioning of the courts within the Central District of
8 California. Thus, pursuant to the authority granted under § 15002(b)(1) of the CARES
9 Act, I hereby authorize judges in the Central District of California, with the consent of
10 the defendant or the juvenile after consultation with counsel, to use video
11 conferencing, or telephonic conferencing if video conferencing is not reasonably
12 available for use, for the following events:

13 (A) Detention hearings under section 3142 of title 18, United States Code.

14 (B) Initial appearances under Rule 5 of the Federal Rules of Criminal
15 Procedure.

16 (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal
17 Procedure.

18 (D) Waivers of indictment under Rule 7(b) 24 of the Federal Rules of
19 Criminal Procedure.

20 (E) Arraignments under Rule 10 of the Federal Rules of Criminal
21 Procedure.

22 (F) Probation and supervised release revocation proceedings under Rule
23 32.1 of the Federal Rules of Criminal Procedure.

24 (G) Pretrial release revocation proceedings under section 3148 of title 18,
25 United States Code.

26 (H) Appearances under Rule 40 of the Federal Rules of Criminal
27

1 Procedure.

2 (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of
3 the Federal Rules of Criminal Procedure.

4 (J) Proceedings under chapter 403 of title 18, United States Code
5 (commonly known as the “Federal Juvenile Delinquency Act”), except
6 for contested transfer hearings and juvenile delinquency adjudication
7 or trial proceedings.

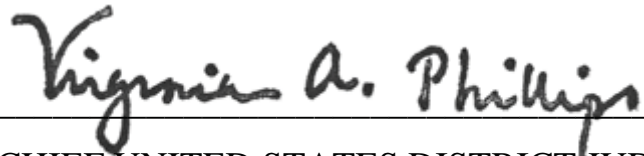
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9 2. Pursuant to § 15002(b)(2) of the CARES Act, I further specifically
10 find that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure
11 and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure
12 cannot be conducted in person without seriously jeopardizing public health and
13 safety. As a result, if judges in individual cases find, for specific reasons, that
14 felony pleas or sentencings in those cases cannot be further delayed without
15 serious harm to the interests of justice, judges may, with the consent of the
16 defendant or the juvenile after consultation with counsel, conduct those
17 proceedings by video conference, or by telephonic conference if video
18 conferencing is not reasonably available. This authority extends to equivalent plea,
19 sentencing or disposition proceedings under 18 U.S.C. 403 (commonly referred to
20 as the “Federal Juvenile Delinquency Act.”).

21 3. This authorization is effective for ninety (90) days unless earlier
22 terminated. If the emergency persists longer than ninety (90) days, I will review
23 the situation for possible extension of authority pursuant to the provisions of the
24 CARES Act. Notwithstanding the foregoing, pursuant to the provisions of the
25 CARES Act, this authority shall terminate on the last day of the covered
26 emergency period or the date on which the Judicial Conference of the United
27 States finds that emergency conditions due to the national emergency declared by

1 the President under the National Emergencies Act with respect to the COVID-19
2 virus outbreak no longer materially affect the functioning of either the Federal
3 courts generally or the courts within the Central District of California.
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5 IT IS SO ORDERED.

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7 Date: March 29, 2020

8 A handwritten signature in cursive script that reads "Virginia A. Phillips". The signature is written in black ink and is positioned above a horizontal line.

9 CHIEF UNITED STATES DISTRICT JUDGE
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