

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

DEC 15 2020

By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

IN RE: REAUTHORIZATION OF VIDEO)
TELECONFERENCING OR)
TELEPHONE CONFERENCING OF)
CERTAIN CRIMINAL PROCEEDINGS)
UNDER THE CORONAVIRUS AID,)
RELIEF, AND ECONOMIC SECURITY ACT)

General Order No. 20-36

GENERAL ORDER

On April 1, 2020, the Court, upon the Chief Judge's own motion, entered General Order No. 20-8 pursuant to Section 15002 of the Coronavirus Aid, Relief, and Economic Recovery Security Act (also known as the CARES Act). General Order No. 20-8 authorized the use of video and telephone conferences for various criminal pretrial events due to the emergency conditions arising from the ongoing COVID-19 pandemic. Pursuant to Section 15002(b)(3) of the CARES Act, this authorization was to remain in effect for 90 days (until June 30, 2020) unless terminated earlier. On June 24, 2020, the Court undertook the review required by Section 15002(b)(3) to determine whether to extend the authorization. General Order No. 20-15, entered by the Court on June 24, 2020, authorized a 90-day extension. On September 24, 2020, the authorization was again extended for 90 days under General Order No. 20-24.

Once again, the Court is called upon to undertake the review required by Section 15002(b)(3) and it finds that given the persistent nature of the COVID-19 virus in the Eastern District community and the need to provide court officials with the requisite flexibility to address a multitude of criminal proceedings, while at the same time assuring the safety and well-being of all participants, another 90-day extension is warranted.


IT IS HEREBY ORDERED that the criminal pretrial events set forth under section 1(A)-(J) of General Order No. 20-8 may, with the consent of the defendant after consultation with counsel, be conducted by video teleconferencing or by telephone conferencing in the event that video teleconferencing is not reasonably available.

IT IS FURTHER ORDERED with respect to 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 that, with the consent of the defendant after consultation with counsel, such felony pleas and/or sentencings may be conducted by video conferencing or by telephone conference if video conferencing is not reasonably available, if the judge in the particular 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. This authority also applies with respect to equivalent plea, sentencing, or disposition

proceedings under chapter 403 of the title 18 of the United States Code. The presiding judge retains the discretion to conduct in-person plea and sentencing proceedings when, under all the attendant circumstances, the presiding judge determines that an in-person proceeding is not inconsistent with the protection of the health and safety of court personnel, the defendant, counsel, United States Marshals Service personnel, Court Security Officers, and the public.

IT IS FURTHER ORDERED that pursuant to Section 15002(b)(3) of the CARES Act, the Court will review this extension of authority not less frequently than once every 90 days until the earlier of (1) the date on which the Chief Judge (or other judge if the Chief Judge is not available) determines the authorization is no longer warranted, or (2) the date on which the emergency authority is terminated under section 15002(b)(3)(B)(5) of the CARES Act.

It is so ordered this 15th day of December, 2020.



RONALD A. WHITE
CHIEF JUDGE, UNITED STATES DISTRICT COURT