UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

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. 23-5

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 for a period of ninety (90) days due to the emergency conditions arising from the ongoing COVID-19 pandemic. Subsequent reviews by the Court under Section 15002(b)(3) resulted in 90-day extensions of such authorization. (*See* General Orders 20-15, 20-24, 20-36, 21-5, 21-14, 21-19, 21-25, 22-4, 22-10, 22-14 and 22-21).

Once again, the Court is called upon to undertake the review required by Section 15002(b)(3) to determine whether to extend this authorization for another ninety (90) days. The Court finds an additional ninety (90) day extension is warranted 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.

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 if 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 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.

SO ORDERED this 27th day of February 2023.

Ronald A. White
CHIEF UNITED STATES DISTRICT JUDGE