

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

IN THE MATTER OF:

AUTHORIZATION OF VIDEO AND
TELEPHONE CONFERENCING PURSUANT
TO THE CORONAVIRUS AID, RELIEF, AND
ECONOMIC SECURITY ACT

GENERAL ORDER

To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those Orders.

On March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (2020) (the “CARES ACT”, H.R. 748). Section 15002 of that Act provides for video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for certain criminal proceedings if the Judicial Conference of the United States finds that the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) will materially affect the functioning of either the federal courts generally or a particular district court of the United States, and the chief judge of a court covered by that finding authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available.

On March 29, 2020, on the joint recommendation of the chairs of the Committee on Court Administration and Case Management and the Committee on Rules of Practice

and Procedure, the Judicial Conference found, pursuant to the CARES Act, that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally.

The Court now, on its own motion, authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following criminal proceedings, as specified in Section 15002 of the CARES Act:

- Detention hearings under 18 U.S.C. § 3142;
- Initial appearances under Fed. R. Crim. P. 5;
- Preliminary hearings under Fed. R. Crim. P. 5.1;
- Waivers of Indictment under Fed. R. Crim. P. 7(b);
- Arraignments under Fed. R. Crim. P. 10;
- Probation and supervised release revocation proceedings under Fed. R. Crim. P. 32.1;
- Pretrial release revocation proceedings under 18 U.S.C. § 3148;
- Appearances under Fed. R. Crim. P. 40;
- Misdemeanor pleas and sentencings under Fed. R. Crim. P. 43(b)(2);
- Proceedings under chapter 403 of title 18 of the United States Code 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings

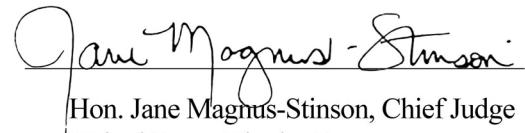
The video teleconferencing or telephone conferencing authorized above may only take place with the consent of the defendant, or the juvenile, after consulting with counsel.

Further, the Court now, on its own motion, specifically finds that felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 cannot be conducted in person without seriously jeopardizing public health and safety. In accordance with the CARES Act, these proceedings are authorized to be conducted by

video teleconference, or by telephone conference if video conference is not reasonably available, if the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice. The video teleconferencing or telephone conferencing of felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 may only take place with the consent of the defendant, or the juvenile, after consulting with counsel.

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 from the entry of this order, the court will review this authorization and determine whether to extend it.

March 30, 2020



Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana