

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAR 31 2020

IN RE: USE OF VIDEO AND TELEPHONE )  
CONFERRING FOR CRIMINAL )  
PROCEEDINGS DURING THE COVID-19 )  
PANDEMIC )

G.O. 20-9.1

CARMELITA REEDER SWINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY \_\_\_\_\_, DEPUTY

**ORDER**<sup>1</sup>

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) into law. The CARES Act provides that “if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under that 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 . . . the Federal courts generally . . . the chief judge of a district court covered by the finding . . . may authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not available.” H.R. 748 at § 15002(b)(1). On March 29, 2020, the Judicial Conference of the United States specifically found that emergency conditions due to COVID-19 “have materially affected and will materially affect the functioning of the federal courts generally.” Memorandum from Director James C. Duff to All United States Judges at 1 (Mar 29, 2020).

Therefore, I authorize, upon the consent of the defendant after consultation with counsel, the use of video teleconferencing, or telephone conferencing if video

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<sup>1</sup> This Order supersedes G.O. 20-9.

teleconferencing is not reasonably available, for the following events within the Western District of Oklahoma:

1. Detention hearings under 18 U.S.C. § 3142.
2. Initial appearances under Fed. R. Crim. P. 5.
3. Preliminary hearings under Fed. R. Crim. P. 5.1.
4. Waivers of indictment under Fed. R. Crim. P. 7(b).
5. Arraignments under Fed. R. Crim. P. 10.
6. Probation and supervised release revocation hearings under Fed. R. Crim. P. 32.1.
7. Pretrial release revocation proceedings under 18 U.S.C. § 3148.
8. Appearances under Fed. R. Crim. P. 40.
9. Misdemeanor pleas and sentencings as described in Fed. R. Crim. P. 43(b)(2).
10. Proceedings under chapter 403 of title 18, United States Code, except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

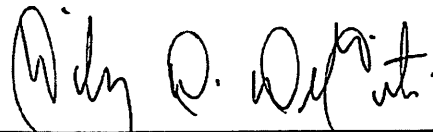
In addition, pursuant to § 15002(b)(2) of the CARES Act, I find that, under current circumstances, felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 cannot in every instance be conducted in person without seriously jeopardizing public health and safety. Therefore, if the presiding judge in a particular case finds specific reasons that the 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, conduct the plea or sentencing in that case by video teleconference, or by teleconference if the presiding judge finds that video teleconferencing is not reasonably available. This authority applies with respect to equivalent plea, sentencing, or disposition proceedings under chapter 403 of title 18, United States Code.

Nothing in this Order precludes the presiding judge from conducting 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.

The authorizations in this Order shall remain in effect for 90 days from the date of this Order, unless terminated earlier. If emergency conditions continue to exist 90 days from the date of this Order, the findings contained in the Order will be reviewed and a determination will be made whether to extend the authorizations.

IT IS SO ORDERED this 31<sup>st</sup> day of March, 2020.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge