

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

**FILED**

DEC 14 2020

IN RE: USE OF VIDEO AND TELEPHONE )  
CONFERRING FOR CRIMINAL ) G.O. 20-9.4  
PROCEEDINGS DURING THE COVID-19 )  
PANDEMIC )

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

**ORDER**

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 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 . . . 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).

On March 31, 2020, I authorized the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the events authorized by § 15002(b)(1). *In Re: Use of Video and Telephone Conferencing for Criminal Proceedings During the COVID-19 Pandemic*, G.O. 20-9.1 at 1-2 (Mar. 31, 2020). In addition, pursuant to § 15002(b)(2), I found that, under the circumstances then

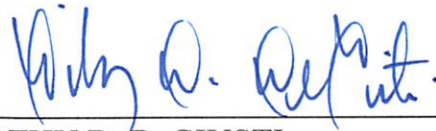
existing, felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 could not in every instance be conducted in person without seriously jeopardizing public health and safety. On June 29, 2020, the authorizations contained in G.O. 20-9.1 were extended for an additional 90 days. *In Re: Use of Video and Telephone Conferencing for Criminal Proceedings During the COVID-19 Pandemic*, G.O. 20-9.2 at 2 (June 29, 2020). On September 17, 2020, the authorizations were again extended for 90 days. *In Re: Use of Video and Telephone Conferencing for Criminal Proceedings During the COVID-19 Pandemic*, G.O. 20-9.3 at 2 (Sept. 17, 2020).

Section 15002(b)(3)(A) of the CARES Act, G.O. 20-9.1, G.O. 20-9.2, and G.O. 20-9.3 provide that if emergency conditions continue to exist 90 days after issuance of the original or subsequent Order, the Chief Judge must review the findings contained in the Order and determine whether to extend the authorizations contained therein. Pursuant to that requirement, I have conducted that review and find that the circumstances existing today weigh in favor of continuing the authorizations. The current rate of daily new cases of COVID-19 in the State of Oklahoma is double what it was on September 17, 2020 and the seven-day rolling average is three times greater than it was in September. The seven-day average of hospitalizations in the State is at an all-time high. In addition, all of the detention centers used by the United States Marshals Service to house federal prisoners have had cases of COVID-19 among inmates and staff. Furthermore, members of the Court, CJA Panel, United States Probation Office, Federal Public Defender's Office, United States Attorney's Office, and United States Marshals Service have contracted

COVID-19, which is a testament to the current prevalence of community spread of the virus.

I therefore extend the authorizations contained in G.O. 20-9.1 for an additional 90 days. All other provisions of G.O. 20-9.1 shall remain in effect until further order of the Court. 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 further extend the authorizations.

IT IS SO ORDERED this 14th day of December, 2020.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge