

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS

2020 MAR 30 AM 11:27

In Re:

**COURT OPERATIONS UNDER THE** :  
**EXIGENT CIRCUMSTANCES** :  
**CREATED BY COVID-19 WITH RESPECT** :  
**TO VIDEO TELECONFERENCING FOR** :  
**CRIMINAL PROCEEDINGS** :

GENERAL ORDER NO. 20-07

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS

**GENERAL ORDER**

This Court issues this General Order, as one in a series of General Orders, in response to the exponential spread of the Coronavirus Disease 2019 (COVID-19) in the Southern District of Ohio and elsewhere. There are multiple confirmed cases of COVID-19 throughout the Southern District of Ohio generally and in each seat of Court in the Southern District of Ohio: Columbus, Cincinnati, and Dayton. President Trump has invoked the National Emergencies Act, 50 U.S.C. § 1601, et seq. with respect to COVID-19, has issued guidelines mandating social distancing and the discontinuance of discretionary travel, and the Governor of the State of Ohio, Mike DeWine, has also declared a state of emergency which, among other things, limits large indoor gatherings and has limited travel to essential travel within the state and its respective communities.

Further, in response to COVID-19 and its impact on institutions, including the judiciary and its administration of justice, Congress has passed legislation authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the course of the COVID-19 emergency. *See* The CARES Act, H.R. 748 Section 15002 *et seq.* The Judicial Conference of the United States has also found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally.

As Chief Judge, and pursuant to Section 15002(b)(1) of the legislation, I hereby authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the legislation to wit:

- (A) Detention hearings under Section 3142 of title 18, United States Code.
- (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
- (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
- (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
- (G) Pretrial release revocation proceedings under Section 3148 of title 18, United States Code.
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to Section 15002(b)(2), I, as Chief Judge, on my own motion, further specifically find that 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 cannot be conducted in person in this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual 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, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or

sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B), with the consent of the juvenile after consultation with counsel.

Pursuant to Section 15002(b)(3) of The CARES Act, this Order, which is effective immediately, will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the date of this Order, or if the President's emergency declaration remains in effect, along with the Judicial Conference's finding that the emergency conditions will materially affect the functioning of the federal courts, the Chief Judge will review this Order and determine whether to extend it. Such review will occur not less frequently than once every 90 days, until the last day of the covered emergency period or until the Chief Judge determines that this authorization is no longer warranted.

**IT IS SO ORDERED.**

**DATED: March 30, 2020**



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**ALGENON L. MARBLEY  
CHIEF UNITED STATES DISTRICT JUDGE**