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CLERK OF COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

2020 APR -3 PM 2: 17

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
FED. BLDG. COLUMBUS

In Re:

COURT OPERATIONS UNDER THE : **AMENDED**
EXIGENT CIRCUMSTANCES : **GENERAL ORDER NO. 20-07A**
CREATED BY COVID-19 WITH RESPECT :
TO VIDEO TELECONFERENCING FOR :
CRIMINAL PROCEEDINGS :

AMENDED GENERAL ORDER

On March 30, 2020, this Court issued General Order 20-07 implementing the CARES Act, which authorizes the use of video and telephone conferencing under certain circumstances in criminal proceedings during the COVID-19 pandemic. The Order set forth the types of proceedings in which video and telephone conferencing can be used and the circumstances under which it shall be used. The purpose of this Amended Order is to provide guidance to the public and to the press on the use of video and telephone conference technology.

Congress passed the Act in response to courts closing or limiting operations due to the COVID-19 pandemic and provided an electronic means for courts to continue holding certain criminal proceedings. This authorization enables courts to include usual participants in and observers of such proceedings by remote means. This would include not only defendants, lawyers, probation officers, and court personnel, but also others who normally participate in or observe such criminal proceedings, including victims, family members, the public, and the press. Accordingly, allowing this wide range of individuals to participate in or observe criminal proceedings conducted by video or telephone conference is authorized by the CARES Act and therefore does not violate Rule 53.

The CARES Act authorization applies only to access through video and telephone conferencing technology. Rule 53 of the Federal Rules of Criminal Procedure provides that the court must not permit the taking of photographs or the broadcasting of judicial proceedings. Thus, more traditional forms of “broadcasting” court proceedings, such as live streaming court hearings on the internet, are prohibited by Rule 53. Because these broadcasting activities are not authorized by the CARES Act, they remain prohibited by Rule 53 and therefore it is not permissible for anyone to record criminal hearings for distribution.

Accordingly, it is hereby **ORDERED**, that persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by this Court.

IT IS SO ORDERED.

DATED: April 3, 2020



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE