

FILED

DEC 21 2020

**Mark C. McCartt, Clerk
U.S. DISTRICT COURT**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

IN RE: VIDEO TELECONFERENCING OR)
TELEPHONE CONFERENCING OF)
CERTAIN CRIMINAL PROCEEDINGS)
UNDER THE CORONAVIRUS AID,)
RELIEF, AND ECONOMIC SECURITY ACT)

GENERAL ORDER 20-46

The United States Senate and House of Representatives have passed, and the President has signed, the Coronavirus Aid, Relief, and Economic Security Act (also known as the CARES Act). Section 15002 of the CARES Act provides for video teleconferencing or telephone conferencing of certain criminal proceedings in the federal district courts. Such video teleconferencing may be authorized upon a finding by the Judicial Conference of the United States that emergency conditions due to the national emergency, which was previously declared by the President due to COVID-19, will materially affect the function of the federal courts generally or the function of a particular district court. Upon such a finding by the Judicial Conference, the chief judge of a district court, upon application of the Attorney General or his designee or on motion of the judge, may authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for specific events in criminal cases.

On March 29, 2020, 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.

On September 22, 2020 the Court entered General Order 20-29 extending the authorization of video teleconferencing or teleconferencing of certain criminal proceedings for 90 days.

Accordingly, upon the Chief Judge's own motion, effective the 21st day of December, 2020, pursuant to Section 15002 of the CARES Act and in light of the public health concerns described in General Order 20-42, the Judges of this Court hereby enter the following findings and orders:

1. Subject to the consent described in paragraph 4 below, the following proceedings may be conducted by video teleconferencing, or by telephone conferencing in the event that video teleconferencing is not reasonably available:

- (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; and

(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.

2. The Chief Judge and other District Judges of this Court 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 jeopardizing public health and safety, as a result of the spread of COVID-19, which has been declared a pandemic. Therefore, subject to the consent described in paragraph 4 below, felony plea and/or sentencing proceedings in a particular case may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available, if the judge in the particular 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.

3. The video teleconferencing and telephone conferencing authority described in paragraph 2) above shall apply with respect to equivalent plea and sentencing, or disposition, proceedings under chapter 403 of title 18 of the United States Code.

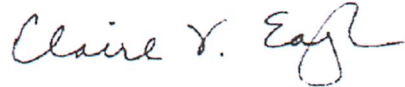
4. Video teleconferencing or telephone conferencing authorized under the foregoing paragraphs may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.

5. 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.

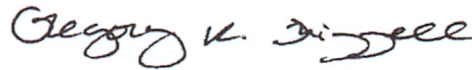
IT IS SO ORDERED this 21st day of December, 2020.



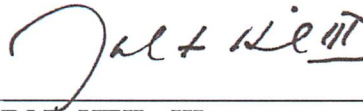
JOHN E. DOWDELL
CHIEF UNITED STATES DISTRICT JUDGE



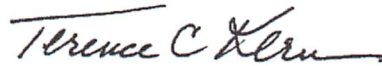
CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE