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9 UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

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11 IN RE:  
12 HEARINGS BY VIDEO OR  
13 TELEPHONE AS AUTHORIZED BY  
14 THE CARES ACT

GENERAL ORDER 04-20

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16 This General Order is being issued in response to the developing outbreak of  
17 Coronavirus Disease 2019 (COVID-19) following the enactment of the Coronavirus Aid,  
18 Relief, and Economic Security (“CARES Act”) on March 27, 2020. Pursuant to Sections  
19 15002(b)(1) and 15002(b)(2)(A) of the Act, on March 29, 2020, the Judicial Conference  
20 of the United States found that emergency conditions due to the national emergency  
21 declared by the President under the National Emergencies Act (50 U.S.C. § 1601 *et seq.*)  
22 with respect to COVID–19 will materially affect the Federal courts generally.  
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25 This Court has previously issued General Order Nos. 01-20 through 03-20,  
26 regarding court operations in light of COVID-19. General Order 03-20 describes the  
27 process by which the court will conduct certain hearings by video conference or telephone  
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1 conference other than pleas or sentencings. For the reasons previously set forth in those  
2 Orders, which reasons are incorporated herein, pursuant to § 15002(b)(2)A) of the CARES  
3 Act, I now find that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure  
4 and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot  
5 be conducted in person without seriously jeopardizing public health and safety.  
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8 THEREFORE, under the authority granted by § 15002(b)(1) and (2) of the CARES  
9 Act, this Court hereby declares and orders as follows:

10 (1) The use of video conferencing or telephone conferencing is now authorized  
11 for the following types of events:  
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- 13 a. Detention hearings under 18 U.S.C. § 3142;
- 14 b. Initial appearances under Fed. R. Crim. P. 5;
- 15 c. Preliminary hearings under Fed. R. Crim. P. 5.1;
- 16 d. Waivers of indictment under Fed. R. Crim. P. 7(b);
- 17 e. Arraignments under Fed. R. Crim. P. 10;
- 18 f. Probation and supervised release revocation proceedings under Fed. R.  
19 Crim. P. 32.1;
- 20 g. Pretrial release revocation proceedings under 18 U.S.C. § 3148;
- 21 h. Appearances under Fed. R. Crim. P. 40;
- 22 i. Misdemeanor pleas and sentencings as described in Fed. R. Crim. P.  
23 43(b)(2); and
- 24 j. Proceedings under 18 U.S.C. ch. 403 (the “Federal Juvenile  
25 Delinquency Act”), except for contested transfer hearings and juvenile  
26 delinquency adjudication or trial proceedings.  
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28 (2) The use of video conferencing or telephone conferencing for felony pleas  
under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 is hereby  
authorized provided that the district judge in a particular case finds for specific reasons

1 that the plea or sentencing in that case cannot be further delayed without serious harm to  
2 the interests of justice. In cases that can be further delayed without such harm, the district  
3 judge should instead continue the sentencing or trial date and, in the latter case, enter an  
4 order excluding time for trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). *See,*  
5 *e.g.,* C.D. Cal. General Order No. 20-02 ¶ 4.  
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8 (3) Consistent with Section 15002(b)(4) of the CARES Act, video conferencing  
9 or telephone conferencing authorized by this Order may take place only with the consent  
10 of the defendant, or the juvenile, after consultation with counsel. That consent may be  
11 obtained, on the record, at the time of the relevant event and need not be in writing.  
12 Because hearings currently cannot be conducted in person without seriously jeopardizing  
13 public health and safety, a defendant's refusal to grant such consent may be considered as  
14 grounds for a continuance or other appropriate relief in the interests of justice.  
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17 IT IS SO ORDERED.

18 Dated this 30<sup>th</sup> day of March, 2020.

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21 RICARDO S. MARTINEZ  
22 CHIEF UNITED STATES DISTRICT JUDGE  
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