

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

USDC DNJ DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>June 22, 2020</u>
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IN RE: VIDEO CONFERENCING AND :
TELECONFERENCING FOR CRIMINAL : **EXTENSION OF AMENDED**
PROCEEDINGS UNDER THE CARES ACT : **STANDING ORDER 2020-06**

WHEREAS, on March 13, 2020, a national emergency was declared under the National Emergency Act, 50 U.S.C. § 1601, *et. seq.*, in light of the COVID-19 pandemic;

WHEREAS, on March 27, 2020, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), 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, pursuant to certain findings by the Judicial Conference of the United States;

WHEREAS, on March 29, 2020, the Judicial Conference found that emergency conditions, consistent with the national emergency declared with respect to COVID-19, will materially affect the functioning of the Federal courts; and

WHEREAS, on March 30, 2020, pursuant to Sections 15002(b)(1) and (b)(2) of the CARES Act, as Chief Judge, I found that criminal proceedings, and specifically, felony pleas and felony sentencings, could not be conducted in person without seriously jeopardizing public health and safety, and therefore entered Standing Order 2020-06, authorizing video and telephone conferencing in criminal proceedings in conformance with the CARES Act; and

WHEREAS, as Chief Judge, I ordered therein that pursuant to Section 15002(b)(3) of the CARES Act, Standing Order 2020-06 would remain in effect for up to 90 days from the date of its entry, or until June 28, 2020, and that if, on that date, the emergency declaration was still in effect, as well as the Judicial Conference’s finding that the emergency conditions will materially affect the functioning of the Federal courts, I, as Chief Judge, would determine whether Standing Order 2020-06 should be extended;

WHEREAS, on April 2, 2020, Standing Order 2020-06 was amended to provide a reminder of the prohibition against the photographing, recording, livestreaming on the internet and rebroadcasting of court proceedings, consistent with Rule 53 of the Federal Rules of Criminal Procedure;

THEREFORE, WHEREAS, on this day, June 28, 2020, the 90th day after the entry of Amended Standing Order 2020-06, the afore-mentioned emergency declaration and Judicial Conference’s finding remain in effect; and

WHEREAS, pursuant to Section 15002(b)(1) of the CARES Act, I, as Chief Judge, find that criminal proceedings still cannot be conducted in person without seriously jeopardizing public health and safety, and that pursuant to Section 15002(b)(2) of the CARES Act, 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 also cannot be conducted in person in this district without seriously jeopardizing public health and safety; it is hereby

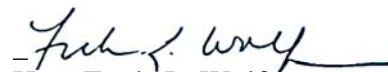
ORDERED that, pursuant to Section 15002(b)(3) of the CARES Act, Amended Standing Order 2020-06 is extended for up to 90 days from the date of this Order, unless this Order is terminated or vacated prior to such date according to the procedures set forth in the last paragraph of this Order. Specifically, it is hereby

ORDERED that, in lieu of personal appearance, and with the consent of the defendant after consultation with counsel, video conferencing, or telephone conferencing if video conferencing is not reasonably available, is authorized for all events listed in Section 15002(b) of the legislation, including the criminal proceedings enumerated in Amended Standing Order 2020-06; and it is further

ORDERED that if a judge in an individual case finds, for specific reasons, that any felony plea or felony sentencing, or any equivalent plea and sentencing, as well as proceedings under the Federal Juvenile Delinquency Act, cannot be further delayed without serious harm to the interests of justice, then, with the consent of the defendant, or the juvenile, after consultation with counsel, the plea, sentencing, or any equivalent proceeding, may be conducted by video conference, or by telephone conference if video conferencing is not reasonably available; and it is further

ORDERED that if, 90 days from the date of this Order, the 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 shall review the authorization described in Amended Standing Order 2020-06 and determine whether it shall be further extended. Such reviews will occur at least once every 90 days, until the last day of the covered emergency period, or until the Chief Judge determines that the authorization is no longer warranted. Should the above-referenced emergency declaration or the Judicial Conference's finding terminate or be revoked prior to the expiration of 90 days from the date of this Order, then this Order may then be vacated according to law.

DATED: June 28, 2020


Hon. Freda L. Wolfson,
U.S. Chief District Judge
District of New Jersey