

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	
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ELEVENTH EXTENSION OF ADJUSTMENTS TO COURT OPERATIONS DUE TO THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19	:	STANDING ORDER
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This Standing Order is issued in furtherance of the Court’s prior Standing Orders issued on March 13, 2020, March 18, 2020, April 10, 2020, May 29, 2020, June 30, 2020, July 31, 2020, August 31, 2020, October 5, 2020, October 30, 2020, November 25, 2020, January 15, 2021, February 12, 2021, and March 18, 2021, which implemented and extended certain adjustments to Court operations due to the exigent circumstances created by the ongoing coronavirus disease 2019 (COVID-19) pandemic and in the interest of public health and safety. The most recent Standing Order, issued on March 18, 2021, continued all civil and criminal jury selections and jury trials through April 5, 2021, and outlined the Court’s plan to resume holding jury trials on a limited basis beginning the week of April 5, 2021, absent a significant increase in COVID-19 risk in this district. This Standing Order extends the existing jury trial continuance through May 3, 2021, and postpones the planned resumption of jury trials until the week of May 3, 2021, due to the recent spike in COVID-19 cases in this district.

After weeks of declining numbers, COVID-19 cases in the Commonwealth of Pennsylvania and in this district are again increasing. Since the March 18, 2021, Standing Order was issued, the total number of COVID-19 cases in Pennsylvania has increased to more than 1,020,000, and the total number of cases in this district has increased to more than 470,000. District wide, the 14- and 7-day averages of new case counts have increased significantly in the past two weeks and are now at levels last seen in mid-February 2021. Daily new COVID-19 cases

per 100,000 population have increased in eight of the nine counties in this district in recent weeks, in some instances by more than 50%. Positivity rates have also increased in eight of the nine counties in this district. Positivity rates are currently above 5% in all counties in this district and above 7% in five of those counties.

These increases are occurring as new and more transmissible variants of the virus are circulating and as more cases of these variants are being detected in Pennsylvania. These increases are also occurring at time when a majority of the population in this district, including most case participants, has not yet been vaccinated. Although Pennsylvania and Philadelphia continue to make progress in vaccinating residents, most attorneys and Court staff are not yet eligible for the vaccine under the Pennsylvania and Philadelphia vaccination plans, and most inmates at the Federal Detention Center in Philadelphia have not yet had the opportunity to be vaccinated.

While Pennsylvania plans to ease some of the restrictions currently in place in the Commonwealth, due to concern about the rise in the number of COVID-19 cases and hospitalizations in Philadelphia, the City will not adopt these relaxed restrictions at this time. The City has instead announced that, throughout the month of April, it will continue to review the local trends in cases, hospitalizations, and deaths to gauge when it is safe to further loosen restrictions.

Upon consideration of the current circumstances with respect to the COVID-19 outbreak in this district, including the circumstances described above as well as those described in the prior Standing Orders, the Court finds it is necessary and appropriate to extend the existing continuance of all jury selections and jury trials in this district through May 3, 2021, and to postpone the planned resumption of jury trials to the week of May 3, 2021, in order to protect public health and safety, including the safety of Court personnel and all persons entering courthouses and Court locations in this district.

It is therefore ORDERED as follows:

1. All civil and criminal jury selections and jury trials scheduled to begin on or before May 3, 2021, before any district or magistrate judge in any courthouse or Court location in this district are CONTINUED pending further Court order. All grand jury selections are also CONTINUED through May 3, 2021.

2. The Court will resume holding jury trials on a limited basis beginning the week of May 3, 2021, as outlined in the March 18, 2021, Standing Order. The Court anticipates that it will remain in the initial test period for jury trials through at least June 7, 2021. During this period, trials will be scheduled in accordance with the March 18, 2021, Standing Order.

3. With respect to criminal trials continued by this Standing Order, the Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment and the particular application of that right in cases involving defendants who are detained pending trial. In light of the circumstances regarding the COVID-19 outbreak in this district outlined above and in the Court's prior Standing Orders, the Court finds the ends of justice served by granting a continuance of jury trials through May 3, 2021, outweigh the best interest of the public and each defendant in a speedy trial. Existing conditions with respect to the COVID-19 outbreak in this district continue to impede the Court's ability to obtain an adequate complement of trial jurors at this time and impact the ability of Court personnel, counsel, defendants, and other case participants to be present during trial. Given current conditions as well as the large number of people that must be assembled to conduct a jury trial, the Court has determined it is not possible to conduct jury trials safely and in accordance with available public health guidance at this time. In these circumstances, and given the seriousness of the ongoing COVID-19 outbreak in this district, failure to postpone jury trials through May 3, 2021, would likely make the continuation of

such trials impossible or result in a miscarriage of justice. Accordingly, the additional time period from April 5, 2021, through May 3, 2021, shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), for all criminal cases impacted by this trial continuance. This period of exclusion is in addition to the period of exclusion previously granted for the time period from March 13, 2020, through April 5, 2021. The Court may extend the period of exclusion by further order as circumstances may warrant, and the presiding judge in any criminal case for which trial is continued under this Standing Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial.

4. For those criminal cases that cannot be tried during the initial test period consistent with the health and safety protocols and limitations necessary for the conduct of jury trials at this time, as described in prior Standing Orders and the Initial Guidelines for the Reinstitution of Jury Trials, the additional time period from May 3, 2021, through June 7, 2021, shall also be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds the ends of justice served by continuances that will be necessary in those cases outweigh the best interest of the public and each defendant in a speedy trial because, given the circumstances regarding the COVID-19 outbreak in this district, resumption of jury trials without these health and safety protocols and limitations prior to June 7, 2021, would jeopardize public health and safety and pose significant risks of exposure and transmission of the virus to trial participants, which would make continuation of a trial impossible or result in a miscarriage of justice. The Court may extend the period of exclusion by further order as circumstances may warrant, and the presiding judge in any criminal case for which trial will be continued based on this Standing Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial.

5. Any motion by a criminal defendant seeking an exception to this Standing Order for the purpose of exercising the defendant's speedy trial rights shall be referred to the Chief Judge.

Except as modified herein or by other Standing Orders issued since May 29, 2020, the May 29, 2020, Standing Order remains in effect.

IT IS SO ORDERED.

/s/ Juan R. Sánchez
Juan R. Sánchez
Chief Judge

Date: March 30, 2021