

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

IN RE:	:	
	:	
VIDEO TELECONFERENCING AND	:	STANDING ORDER
TELEPHONE CONFERENCING FOR	:	
CRIMINAL PROCEEDINGS UNDER	:	
THE CARES ACT – SIXTH	:	
EXTENSION	:	

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted, authorizing the use of video teleconferencing 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 national emergency. *See* Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527-30 (2020). On March 29, 2020, the Judicial Conference of the United States found, pursuant to the CARES Act, that emergency conditions due to the national emergency declared by the President with respect to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally.

On March 30, 2020, the undersigned, as Chief Judge and pursuant to the authority granted by the CARES Act to chief judges of district courts covered by the Judicial Conference’s finding, issued a Standing Order finding that emergency conditions due to the COVID-19 national emergency were continuing to materially affect the functioning of this district and authorizing the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, with the consent of the defendant after consultation with counsel, for all of the criminal case events listed in Section 15002(b) of the CARES Act. The Order also included a finding 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 could not be conducted in

person in this district without seriously jeopardizing public health and safety. Based on this finding, the Order provided that, if a district judge in an individual case found, for specific reasons, that a felony plea or sentencing in that case could not be further delayed without serious harm to the interests of justice, the judge could, with the consent of the defendant after consultation with counsel, use video conferencing, or telephone conferencing if video conferencing was not reasonably available, for the felony plea or sentencing in that case.

On June 26, 2020, pursuant to Section 15002(b)(3) of the CARES Act, I reviewed the foregoing authorization and issued a Standing Order extending it for an additional 90 days. I again reviewed this authorization and issued a Standing Order further extending it on September 24, 2020, December 21, 2020, March 18, 2021, and June 15, 2021. The June 15, 2021, Standing Order provided that the authorization would remain in effect for 90 days, unless terminated earlier, and that if emergency conditions continued to exist 90 days from the date of the Order, I would again review the authorization and determine whether to extend it.

As of this date, the national emergency declared by the President with respect to COVID-19 on March 13, 2020, and extended on February 24, 2021, has not yet been terminated, and the Judicial Conference's finding that emergency conditions due to the COVID-19 national emergency have materially affected and will materially affect the functioning of the federal courts generally remains in effect. Emergency conditions also continue to materially affect the functioning of this district. After declining to their lowest levels since the start of the pandemic, average daily new COVID-19 case counts for this district have been rising steadily since early July as the highly contagious Delta variant continues to spread. All counties in this district have been experiencing substantial or high levels of community transmission of the virus for the past several weeks, and the City of Philadelphia reimposed an indoor mask mandate for all businesses and institutions that

do not have an enforced vaccination requirement for employees and patrons, effective August 12. While vaccinations continue to increase, a significant portion of the adult population in this district is not yet fully vaccinated against COVID-19, including a significant portion of those detained in the the Federal Detention Center (FDC) in Philadelphia. Although the Court has again increased the number of courtrooms available for in-person proceedings, the Court has not yet returned to full capacity for these proceedings. Quarantine procedures in place at the FDC also limit the Court's ability to conduct in-person proceedings in some instances. Given the current circumstances, 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 seriously jeopardizing public health and safety in many instances. The use of video teleconferencing and telephone conferencing remains necessary for criminal case events in this district, including felony pleas and felony sentencings, in order to protect the health and safety of all case participants, especially those at increased risk of serious illness from COVID-19.

Accordingly, upon review of the authorization of video teleconferencing and telephone conferencing for criminal case events set forth in the March 30, 2020, Standing Order and extended by the June 26, 2020, September 24, 2020, December 21, 2020, March 18, 2021, and June 15, 2021 Standing Orders, as required under Section 15002(b)(3) of the CARES Act, it is ORDERED the authorization is extended for an additional 90 days. Specifically, with the consent of the defendant or juvenile after consultation with counsel, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized to be used for all criminal case events listed in Section 15002(b) of the CARES Act. In addition, if a district judge in an individual 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, the judge may, with the consent of the defendant after consultation with counsel, use video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

Pursuant to Section 15002(b)(3) of the CARES Act, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the date of this Standing Order, I will again review this authorization and determine whether to further extend it.

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

Date: September 10, 2021