

**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 – NINTH	:	
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.

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 on June 26, 2020, September 24, 2020, December 21, 2020, March 18, 2021, June 15, 2021, September 10, 2021, December 8, 2021, and March 7, 2022. The March 7, 2022 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 has not yet been terminated, having been continued in effect on February 24, 2021, and again on February 18, 2022. The finding of the Judicial Conference that emergency conditions due to the COVID-19 national emergency have materially affected and will materially affect the functioning of the federal courts generally also remains in effect.

The COVID-19 pandemic continues to materially affect the functioning of this district. Since the March 7, 2022 Standing Order was issued, COVID-19 case counts have again risen in this district as highly transmissible new versions of the Omicron variant continue to spread. Due to recent increases in case counts and hospitalizations, the CDC COVID-19 Community Level, a measure of a community's level of risk from COVID-19, has increased from "low" to "medium"

or “high” in all but one county in this district. Although overall vaccination rates are now above 70% in most counties in this district, a significant portion of the population in this district is not yet fully vaccinated against COVID-19, including a significant portion of those detained at the Federal Detention Center in Philadelphia. Even among those who are vaccinated, many are not up to date with their COVID-19 vaccines as less than half of vaccinated adults in most counties in this district have received a booster vaccine dose. While in-person proceedings remain ongoing, criminal proceedings cannot in all instances be conducted in person in this district without seriously jeopardizing public health and safety. Specifically, 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 all cases without seriously jeopardizing public health and safety. Due to the ongoing effects of COVID-19, the use of video teleconferencing and telephone conferencing for criminal case events, including felony pleas and sentencings, remains necessary in this district where circumstances require it.

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, June 15, 2021, September 10, 2021, December 8, 2021, and March 7, 2022 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 conferencing, or telephone conferencing if video conferencing 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: June 3, 2022