

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
20-SO-7

FILED

APR 1 2020

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  DEB, CLK

IN RE:)
VIDEO CONFERENCING FOR) STANDING ORDER
CRIMINAL PROCEEDINGS UNDER)
THE CARES ACT AND IN LIGHT OF)
THE COVID-19 PANDEMIC)

Congress has passed legislation 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* CARES Act, H.R. 748, Pub. L. No. 116-136. The Judicial Conference of the United States has also found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally. As of the date of entry of this order, there are at least 1,498 confirmed cases of COVID-19 within the State of North Carolina. The Governor of North Carolina has also declared a state of emergency and has issued a state-wide “stay at home order,” permitting travel only for essential activities. N.C. Exec. Order 121 (March 27, 2020).

Accordingly, pursuant to the CARES Act, as Chief Judge on my own motion, I hereby authorize as follows:

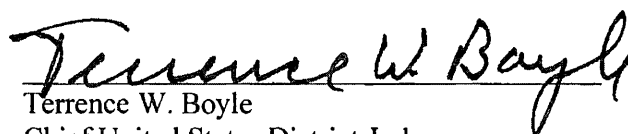
Pursuant to Section 15002(b)(1) of the CARES Act, I hereby authorize in this district the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b)(1)(A)-(J) of the Act. Such proceedings may be conducted via video or telephone conference only with the consent of the defendant or juvenile after consultation with counsel.

Pursuant to Section 15002(b)(2) of the CARES Act, I further specifically find 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 cannot be conducted in person in this district

without seriously jeopardizing public health and safety. As a result, if a 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 teleconferencing 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 legislation, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, I will review this authorization and determine whether to extend it.

SO ORDERED, this 31 day of March, 2020.


Terrence W. Boyle
Chief United States District Judge