

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

IN RE:
COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY COVID-19

GENERAL ORDER

December 23, 2020

CARES ACT REAUTHORIZATION

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On March 13, 2020, the President of the United States issued a proclamation declaring a National Emergency in response to the Coronavirus Disease-2019 ("COVID-19") pandemic pursuant to the National Emergencies Act (50 U.S.C. § 1601, et seq.). On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), which authorized the Judicial Conference of the United States to provide authority to Chief District Judges to permit the conduct of certain criminal proceedings by video or audio conference.

The President signed the CARES Act into law on March 27, 2020.

Thereafter, the Judicial Conference of the United States made the appropriate findings as required under the CARES Act, finding specifically that "emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601, et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) have materially affected and will materially affect the functioning of the federal courts generally."

Thus, acting pursuant to section 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, and following review of the authorization and consideration whether to extend the authorization, I make the following findings and order:

1. I find that emergency conditions due to the COVID-19 virus outbreak will continue to materially affect the functioning of the courts within the District of Connecticut. Thus, pursuant to the authority granted under section 15002(b)(1) of the

CARES Act, I hereby authorize judges in this District, with the consent of the defendant or the juvenile, after consultation with counsel, to use video conferencing, or telephonic conferencing if video conferencing is not reasonably available for use, for the following events:

- (A) Detention hearings under section 3142 of title 18, United States Code.
- (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
- (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
- (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
- (G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code.
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

2. 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 generally cannot be conducted in person without seriously jeopardizing public health and safety. As a result, if judges in individual cases find, for specific reasons, that

felony pleas or sentencings in those cases cannot be further delayed without serious harm to the interests of justice, judges may, with the consent of the defendant or the juvenile after consultation with counsel, conduct those proceedings by video conference, or by telephonic conference if video conferencing is not reasonably available. This authority extends to equivalent plea, sentencing, and disposition proceedings under 18 U.S.C. § 403 (commonly referred to as the “Federal Juvenile Delinquency Act.”). Notwithstanding these findings, a judge in an individual case may determine that for reasons specific to that case or to a particular defendant, a criminal proceeding should be held in the courtroom, in whole or in part, taking appropriate precautions.

3. This authorization is effective for ninety (90) days unless earlier terminated. If the emergency persists longer than ninety (90) days from today, I will review the situation for possible extension of authority pursuant to the provisions of the CARES Act. Notwithstanding the foregoing, pursuant to the provisions of the CARES Act, this authority shall terminate on the earlier of (1) the last day of the covered emergency period or (2) the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to the COVID-19 virus outbreak no longer materially affect the functioning of either the Federal courts generally or the courts within the District of Connecticut.

IT IS SO ORDERED.

Dated this 23rd day of December 2020.

/s/ Stefan R. Underhill

Stefan R. Underhill
Chief United States District Judge