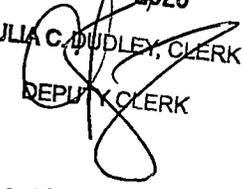


APR 08 2020

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:

SPEEDY TRIAL ACT, 18 U.S.C. § 3161

Standing Order No. 2020-10

In response to the continuing spread of COVID-19, on March 24, 2020, this court issued Amended Standing Order No. 2020-5, extending the restriction on in-person court proceedings for any in-person criminal, civil, and bankruptcy proceeding until May 1, 2020. This included continuing all criminal jury trials set on or before May 1, 2020 and all grand jury proceedings set on or before April 17, 2020. At the time of the issuance of the March 24 order, the court found that the required continuances were excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the ends of justice served by the continuances outweighed the interests of the parties and the public in a speedy trial. The court now expounds upon those findings that the ends of justice warrant such an exclusion from the speedy trial clock.

As the result of the public health recommendations made by the Centers for Disease Control and Prevention; the President of the United States; and, most recently, Governor Ralph Northam's March 30, 2020 Executive Order 55, which also directs all individuals in Virginia to remain at their place of residence until June 10, 2020, the court's ability to obtain an adequate spectrum of jurors has been rendered impossible. In addition, the present public health crisis precludes the court from convening counsel, court staff, United States Marshals, interpreters, Court Security Officers, Probation Officers, witnesses, and other participants necessary to conduct criminal proceedings.

Given these circumstances, the court specifically finds that the need to protect the health and safety of jurors, court employees, defendants, their counsel, prosecutors, witnesses, judges, and the public, requires the court to eliminate in-person proceedings to the fullest extent possible. Criminal trials inherently involve a significant amount of close contact between all parties. Furthermore, continuing all criminal jury trials through May 1, 2020 will assist with minimizing the spread of COVID-19 not only to courthouse personnel, but to and within detention facilities and the Bureau of Prisons. Accordingly, the court finds that the ends of justice served by continuing all criminal jury trials through May 1, 2020 outweigh the interests of the parties and the public in a speedy trial.

To the extent this order, or any other order by this court in response to the COVID-19 pandemic, results in delayed indictments due to the absence of a sitting grand jury, the United States Attorney is requested to file a motion and proposed order to ensure that the instant findings are made “in the record” of each case. See Zedner v. United States, 547 U.S. 489, 506 (2006). Such proposed orders may propose to incorporate the findings made in this standing order. Defense counsel may then file any motion or response related to the court’s 18 U.S.C. § 3161(h)(7) findings.

Further, to the extent either party wishes to ensure that the above findings are “in the record” of any individual criminal case for which trial is delayed due to the COVID-19 response, they may file a motion and proposed order to incorporate these, or further findings, in the record. A presiding judge may also take the necessary steps to incorporate these, or further findings, in the record of any individual case. The court will continue to monitor the

COVID-19 public health emergency and further continuances may be issued as necessary and appropriate.

Enter: April 8, 2020

Michael F.
Urbanski

 Digitally signed by Michael F. Urbanski
DN: cn=Michael F. Urbanski, o=Western
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Date: 2020.04.08 10:22:28 -04'00'

Michael F. Urbanski
Chief United States District Judge