

SEP 28 2020

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

JULIA C. DUDLEY, CLERK
BY: *Beagle*
DEPUTY CLERK

IN RE:)
REAUTHORIZATION OF VIDEO)
AND TELECONFERENCE HEARINGS)
IN CRIMINAL CASES UNDER THE)
CARES ACT)

FIRST AMENDED
STANDING ORDER 2020-15

1. On March 30, 2020, the court entered Standing Order 2020-07 authorizing video and teleconferences pursuant to the Coronavirus Air, Relief and Economic Security Act ("CARES Act").
2. The CARES Act provided the court with authority to conduct criminal proceedings by video and teleconference for up to 90 days. The initial 90-day period expired on June 28, 2020.
3. Pursuant to § 15002(b)(3)(A) of the CARES Act, the court reauthorized for an additional 90-day period the use of video and teleconferences on June 26, 2020. Such reauthorization applied to both criminal proceedings specified in §§ 15002(b)(1) and 15002(b)(2) of the CARES Act, including felony guilty plea and sentencing hearings, as to which the court continued to find that such hearings could not be conducted in person without seriously jeopardizing public health and safety. That 90-day period expires on September 27, 2020.
4. At present, there is no vaccine for COVID-19, the disease stemming from the present coronavirus pandemic.

5. The Commonwealth of Virginia has entered Phase 3 of its Reopening Process, yet positive cases in the Western District of Virginia have continued to increase.¹ Public health officials have warned that as the state and localities continue to reopen, the numbers of coronavirus cases are likely to increase.

6. Pursuant to § 15002(b)(3)(B) of the CARES Act, I have reviewed the March 30, 2020 and June 26, 2020 authorizations for the use of video and teleconferencing and have concluded that the public health emergency caused by the ongoing coronavirus pandemic requires an extension of the authorization for an additional 90 days. In making this determination, I have requested comment from both the Acting United States Attorney and the Federal Public Defender for the Western District of Virginia, each of whom support reauthorization.

7. While the exigencies of the ongoing pandemic suggest that criminal hearings conducted by video or teleconference pose a lower health risk than in person hearings, the court has begun to conduct in-person hearings in individual cases where consent is not obtained, or other circumstances require an in-person proceeding.

8. This reauthorization applies both to the criminal proceedings specified in §§ 15002(b)(1) and 15002(b)(2) of the CARES Act, including felony guilty plea and sentencing hearings, as to which the court continues to find that such hearings cannot be conducted in person without seriously jeopardizing public health and safety.

¹ See <https://www.vdh.virginia.gov/coronavirus/coronavirus/covid-19-in-virginia-cases/> (last visited September 18, 2020)

9. This reauthorization will expire on December 26, 2020. At that point, pursuant to § 15002(b)(3)(B) of the CARES Act, the court will review the authorization of authority and determine whether to extend the authorization for an additional 90 days.

It is so **ORDERED**.

Entered: September 27, 2020

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal flourish extending to the right.

Michael F. Urbanski
Chief United States District Judge