

March 16, 2021

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

JULIA C. DUDLEY, CLERK
BY: A. Seagle
DEPUTY CLERK

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

STANDING ORDER 2021-06

1. In March 2020, Congress passed and the President signed the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”) authorizing video and teleconferencing under certain circumstances for various criminal proceedings during the COVID-19 emergency. On March 29, 2020, the Judicial Conference of the United States made a finding of the need to conduct such hearings in federal courts generally.

2. By Standing Order dated March 30, 2020, the court authorized video and teleconferences in the Western District of Virginia under the CARES Act. Such authorization 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 found that such hearings could not be conducted in person without seriously jeopardizing public health and safety.

3. The CARES Act provided the court with authority to conduct criminal proceedings by video and teleconference for up to 90 days, and provided for subsequent extensions. The authorization has been extended three times, and the existing authorization expires on March 22, 2021.

4. At present, the vaccinations are proceeding, and the numbers of new COVID-19 cases and deaths have fallen since their peak in December 2020 and January 2021. While there is reason for optimism, the public health emergency persists. On February 25, 2021, the President notified Congress that the pandemic continues to cause significant risk to the public health and safety of the nation and, on February 26, 2021, published formal notice in the Federal Register continuing the national emergency concerning COVID-19. Because the national emergency has been extended and the Judicial Conference finding of emergency conditions remains in effect, the authorization for the expanded use of video and telephone conferencing under the CARES Act remains available to courts still affected by the pandemic.

5. Pursuant to § 15002(b)(3)(B) of the CARES Act, the court has reviewed the March 30, 2020, June 26, 2020, September 27, 2020, and December 22, 2020, authorizations for the use of video and teleconferencing and the current public health situation and has 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, the court has requested comment from the Acting United States Attorney, the Federal Public Defender, and the Representative for Criminal Justice Act Panel for the Western District of Virginia, each of whom support reauthorization.

6. 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.

7. This reauthorization will expire on June 20, 2021. 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: March 16, 2020



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge