

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA**

**IN THE MATTER OF
EMERGENCY CONDITIONS UNDER
THE CARES ACT**

**PUBLIC ADMINISTRATIVE
ORDER**

No. 20-AO-0004-P

The United States District Court, Northern District of Iowa, continues to evaluate the response to the spread of the COVID-19 virus and recognizes the need to assist in the preservation of public safety and health while effectively administering justice during this period of national emergency. The Judicial Conference of the United States has found under the CARES Act, H.R. 748 (CARES Act), that emergency conditions due to the national emergency declared by the President will materially affect the functioning of the Federal courts generally;

NOW THEREFORE, the Court hereby adopts the following Order:

1. This Court authorizes on its own motion the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, in the criminal procedures specifically enumerated in Section 15002(b)(1) of the CARES Act, to wit:

- 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; and
- 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.

Video conferencing or telephone conferencing authorized under this paragraph may take place only with the consent of the defendant, or the juvenile, after consultation with counsel. To facilitate the consent of the defendant or the juvenile, the presiding judge in the case may authorize the use of remote means, which includes but is not limited to participation of defense counsel and the defendant or the juvenile in the video conference or telephone conference.

2. At this time, and based on information currently available, the Court is not making the findings described in Section 15002(b)(2) of the CARES Act, as the Court believes that with appropriate precautions (e.g., social distancing), felony plea and sentencing hearings can be conducted in person in this district without seriously jeopardizing public health and safety. However, the Court is sensitive to the concerns some individuals may have about attending court proceedings and is willing to entertain motions to continue

hearings in particular cases. In addition, the Court is continuing to monitor developments closely.

3. Members of the public who wish to listen to any public hearing or court proceeding scheduled for video conferencing or teleconferencing may contact the Clerk's Office to obtain access information.

4. This Court recognizes that it is required under Sections 15002(b)(3)(A) and (B) of the CARES Act to review the findings and authorizations made in this Order no later than ninety (90) days after its initial Order or any subsequent renewal.

SO ORDERED this 30th day of March, 2020.



LEONARD T. STRAND, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

Certified original placed in Public Administrative Order Book.

Copies disbursed this 30th day of March, 2020 via email to:

Chambers of Chief Judge Leonard T. Strand
Senior Judge Linda R. Reade
Chambers of Senior Judge Linda R. Reade
Chambers of Judge C.J. Williams
Chambers of Chief Magistrate Judge Kelly K.E. Mahoney
Chambers of Magistrate Judge Mark A. Roberts
Robert Phelps, Clerk of District Court
Paul DeYoung, Chief Deputy
Kristen Sanchez, Case Administration Supervisor
John Zielke, Chief Probation Officer
Megan Weiss, Acting Clerk of Bankruptcy Court
Peter Deegan, US Attorney
Tim Duax, Assistant US Attorney, Sioux City
Doug Strike, US Marshal
Jim Whalen, Federal Public Defender, Des Moines
Christopher Nathan, Assistant Federal Public Defender, Cedar Rapids
Bradley Hansen, Assistant Federal Public Defender, Sioux City
Diane Strawn, Iowa Field Office Director, GSA
Austin Puetz, Building Management Specialist, GSA, Cedar Rapids
Shaun Smith, Building Manager, GSA, Sioux City
Brittney Zumbach Carroll, Outreach Director, Senator Ernst's Office
Rochelle Fuller, Regional Director, Senator Grassley's Office
Bryan Woodward for posting on the external NDIA web-site



A handwritten signature in blue ink, which appears to read "Kelly Kornegor", is written over a horizontal line.

Kelly Kornegor
Administrative Assistant