

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

IN RE:)
CRIMINAL CASE OPERATIONS) Administrative Order 2020-4
DUE TO COVID-19 RESPONSE)

ORDER

WHEREAS this Court continues to evaluate its 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; and

WHEREAS the Judicial Conference of the United States (JCUS) 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 finds that emergency conditions exist throughout this District, as found by the JCUS under the CARES Act;

2. 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.

Under section 15002(b)(4) of the CARES Act, the judge may use this authorization only upon the consent of the defendant, or the juvenile, after consultation with counsel. Such consultation with counsel may be accomplished by remote means, including but not limited to video or telephone conference.

3. This Court further finds 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 cannot be conducted in person without seriously jeopardizing public health and safety.

4. 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)(2)(A) of the CARES Act, to wit: 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. Under section 15002(b)(2)(A) of the CARES Act, the district judge in a particular case must find for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice. Further, under section 15002(b)(2) of the CARES Act, the judge may use this authorization only upon the consent of the defendant, or the juvenile, after consultation with counsel. Such consultation with counsel may be accomplished by remote means, including but not limited to video or telephone conference.

5. Pursuant to section 15002(b)(3) of the CARES Act this authorization will remain in effect for 90 days unless terminated earlier pursuant to section 15002(b)(5). If this authorization has not been terminated pursuant to section 15002(b)(5) after 90 days, this Court will review this authorization and determine whether to extend it.

SO ORDERED this 30th day of March 2020.

s/ Julie A. Robinson
JULIE A. ROBINSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT