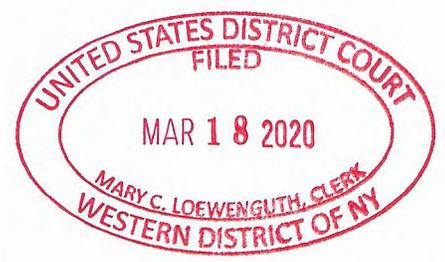


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



CRIMINAL JURY TRIALS UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
COVID-19

GENERAL ORDER

WHEREAS, on March 13, 2020, the Court issued a General Order detailing Court Operations during the COVID-19 Pandemic Event and continuing civil jury trials, grand jury selections, and naturalization ceremonies for a period of sixty (60) days;

WHEREAS, the Court's March 13, 2020 General Order encouraged judges to reduce personal appearances in both civil and criminal proceedings as much as practicable;

WHEREAS, on March 16, 2020, this Court issued a General Order permitting Mediators to adjourn mediation sessions and extending mediation deadlines in all cases for a period of sixty (60) days;

WHEREAS, since the filing of these General Orders, the circumstances surrounding the COVID-19 Pandemic Event have worsened significantly;

WHEREAS, as of the date of this General Order, there are 180,000 cases of COVID-19 worldwide, over 4,200 cases of COVID-19 in the United States, over 1,300 cases of COVID-19 in New York State, 14 cases of COVID-19 in Monroe County, and 13 cases of COVID-19 in Erie County;

WHEREAS, there have been over 7,400 deaths worldwide from the virus, 100 deaths in the United States, three deaths in New York State, and one death in Monroe County;

WHEREAS, in response to the COVID-19 Pandemic Event, the President of the United States, the Governor of the State of New York, the County Executives for the Counties of Monroe and Erie and the surrounding counties, and the Mayors of the Cities of Rochester and Buffalo have declared states of emergency;

WHEREAS, schools, bars, restaurants, and other public venues in the Western District of New York are closed;

WHEREAS, New York State has limited public gatherings to no more than fifty (50) people and the President of the United States has recommended that public gatherings be limited to no more than ten (10) people;

WHEREAS, the Bureau of Prisons has restricted visits—including attorney visits—to its facilities, New York State’s Department of Corrections and Community Supervision has permitted only non-contact attorney visits, local jails have restricted visits to their facilities, and the Federal Public Defender’s Office for the Western District of New York has sought to limit in-person meetings with their clients, all of which is impacting the ability of attorneys to properly prepare for trial;

WHEREAS, the Seventh and Eighth Judicial Districts of the New York State Unified Court System have stayed all civil and criminal jury trials;

WHEREAS, the Court’s Jury Administrators have received many inquiries from potential jurors who are either reluctant to serve under the current circumstances or are confused about jury service because of the stay of state court proceedings.

IT IS HEREBY ORDERED that given the significant number of identified and projected cases of COVID-19 in the Western District of New York and the severity of risk posed to the public, and given the above public health recommendations from public health authorities, effective immediately:

- 1) All criminal jury trials scheduled to commence now through May 13, 2020 before any district or magistrate judge in any courthouse in the Western District of New York are hereby CONTINUED;
- 2) Due to the Court’s reduced ability to obtain an adequate spectrum of jurors and the effect of the above circumstances and public health recommendations on the

availability of counsel, court staff, and defendants to be present in the courtroom, the time period of the continuances implemented by this General Order will be EXCLUDED under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A);

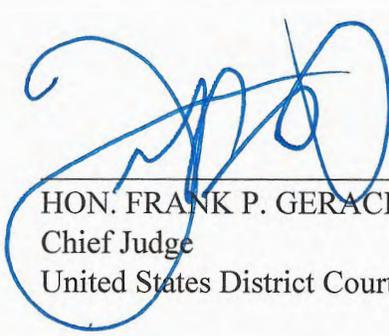
- 3) Criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings (and appeals to district judges from detention orders), and the issuance of search and arrest warrants, shall continue to take place in the ordinary course;
- 4) This Order does not affect the Court's consideration of criminal motions that can be resolved without oral argument or personal appearances.

IT IS FURTHER ORDERED that the Western District of New York courthouses remain open, subject to the above limitations. Staff in the Clerk's Office will be available by telephone, mail will be received, and intake desks remain open for filings. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.

IT IS FURTHER ORDERED that this Order shall remain in effect until May 13, 2020, unless otherwise ordered by the Court. The Court reserves the right to amend, modify, terminate, or extend this Order at any time.

IT IS SO ORDERED.

Dated: March 18, 2020
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court