

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 30, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re

GENERAL ORDER NO. 20-101-3

IMPLEMENTATION OF THE CARES
ACT, H.R. 748, AS AUTHORIZED
BY THE JUDICIAL CONFERENCE
OF THE UNITED STATES

WHEREAS Congress passed legislation authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, or the juvenile, after consultation with counsel, for various criminal and delinquency case events during the course of the COVID-19 emergency. CARES Act, Pub. L. No. 116-136 (H.R. 748) (eff. March 27, 2020).

WHEREAS, on March 29, 2020, the Judicial Conference of the United States made the appropriate findings for implementation of the CARES Act and found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally.

1 Pursuant to the authority delegated to me by the CARES Act, as Chief Judge
2 for the United States District Court for the Eastern District of Washington, I *sua*
3 *sponte* **HEREBY ORDER** that, effective immediately:

4 1. Pursuant to § 15002(b)(1) of the CARES Act, I authorize the use of video
5 conferencing, or telephone conferencing if video conferencing is not
6 reasonably available, for the following events listed in § 15002(b)(1) of
7 the CARES Act:

8 (A) Detention hearings under section 3142 of title 18, United States
9 Code;

10 (B) Initial appearances under Rule 5 of the Federal Rules of Criminal
11 Procedure;

12 (C) Preliminary hearings under Rule 5.1 of the Federal Rules of
13 Criminal Procedure;

14 (D) Waivers of indictment under Rule 7(b) of the Federal Rules of
15 Criminal Procedure;

16 (E) Arraignments under Rule 10 of the Federal Rules of Criminal
17 Procedure;

18 (F) Probation and supervised release revocation proceedings under
19 Rule 32.1 of the Federal Rules of Criminal Procedure;

20 (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

1 (J) Proceedings under chapter 403 of title 18, United States Code
2 (commonly known as the “Federal Juvenile Delinquency
3 Act”), except for contested transfer hearings and juvenile
4 delinquency adjudication or trial proceedings.

5 2. Pursuant to § 15002(b)(2), I further specifically find that felony pleas
6 under Rule 11 of the Federal Rules of Criminal Procedure and felony
7 sentencings under Rule 32 of the Federal Rules of Criminal Procedure
8 cannot be conducted in person in this district without seriously
9 jeopardizing public health and safety. As a result, if a judge in an
10 individual case finds, for specific reasons, that a felony plea or sentencing
11 in that case cannot be further delayed without serious harm to the interests
12 of justice, the judge may, with the consent of the defendant after
13 consultation with counsel, use video conferencing, or telephone
14 conferencing if video conferencing is not reasonably available, for the
15 felony plea or sentencing in that case. Pursuant to § 15002(b)(2)(B), a
16 judge may also use this video conferencing or telephone conferencing
17 authority with respect to equivalent plea and sentencing, or disposition
18 proceedings under the Federal Juvenile Delinquency Act, 18 U.S.C. §§
19 5031 et seq.).

20 3. Pursuant to § 15002(b)(3) of the CARES Act, this authorization will
remain in effect for 90 days unless terminated earlier. If emergency

1 conditions continue to exist 90 days from the entry of this order, I will
2 review this authorization and determine whether to extend it.

3 4. Notwithstanding the foregoing, pursuant to the provisions of the CARES
4 Act, this authority shall terminate on the last day of the “covered
5 emergency period” (as defined at § 15002(a)) or the date on which the
6 Judicial Conference of the United States finds that emergency conditions
7 due to the national emergency declared by the President under the
8 National Emergencies Act with respect to the COVID-19 virus outbreak
9 no longer materially affect the functioning of either the Federal courts
10 generally or the courts within this district.

11 The District Court Executive is directed to post this General Order to the
12 Court’s website and distribute a copy to each attorney registered in the CM/ECF
13 system.

14 **DATED** this 30th day of March 2020.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge