

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

**In Re: EXTENSION OF AUTHORIZATION
TO USE VIDEO AND TELEPHONE
AND TELEPHONE CONFERENCING
FOR CRIMINAL PROCEEDINGS
PURSUANT TO THE CARES ACT**

**GENERAL ORDER
NO. 20-13**

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On March 30, 2020, this Court entered General Order 20-5, authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events pursuant to the CARES Act. On May 27, 2020, this Court entered General Order 20-11 which, among other things, authorized certain in-court criminal proceedings to resume by order of the presiding judge and terminated the authorization for the use of video or telephone conferencing for 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.

As Chief Judge, and pursuant to Section 15002(b)(3)(A) of the CARES Act, I have reviewed these authorizations and have determined to extend the authorization to use video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b)(1) of the legislation, with the consent of the defendant after consultation with counsel, for an additional 90 days. I additionally reauthorize the use of video conferencing, or telephone conferencing if videoconferencing is not reasonably available, for all events listed in Section 15002(b)(2) of the legislation for a period of 90 days.

Given the fluidity of the COVID-19 pandemic within the Western District of Kentucky, which is comprised of four divisional courthouses spanning a distance of roughly 200 miles, there may be relevant differences in the severity of the COVID-19 outbreak among these locations. As such, and pursuant to Section 15002(b)(2) of the CARES Act, I specifically find that there may be some 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 that cannot be conducted in person without seriously jeopardizing public health and safety.


Accordingly, if the presiding judge in a case determines that a given felony plea or sentencing hearing cannot be conducted in person without seriously jeopardizing public health and safety, then this Court authorizes on its own motion the use of videoconferencing, or teleconferencing if videoconferencing is not reasonably available, in such proceedings. Under section 15002(b)(2)(A) of the CARES Act, the presiding judge must additionally find, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious

harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if videoconferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

Pursuant to Section 15002(b)(3)(B) of the legislation, this authorization will remain in effect for 90 days unless terminated earlier. The authorization allowed by this general order will be again reviewed at or near its date of termination to determine if a further extension is warranted based on conditions existing at that time.

This authorization supersedes General Order 20-11 to the extent that Section 4 of that order is inconsistent with the provisions herein.

DATED: June 29, 2020


Greg N. Stivers, Chief Judge
United States District Court

ENTERED
VANESSA L ARMSTRONG, CLERK
Jun 29, 2020
U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
