

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

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

**GENERAL ORDER  
NO. 20-20**

\*\*\* \*\*

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 June 29, 2020, I reviewed and extended these authorizations by way of General Order 20-13.


As Chief Judge, and pursuant to Section 15002(b)(3)(A) of the legislation, I have again 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 continuing 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.

DATED: September 25, 2020

  
Greg N. Stivers, Chief Judge  
United States District Court

**ENTERED**  
VANESSA L ARMSTRONG, CLERK  
Sep 25, 2020  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
*Traci J. Duff*