

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

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

**GENERAL ORDER
NO. 21-09**

*** **

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 Coronavirus Aid, Relief, and Economic Security Act (“CARES ACT”), P.L. 116-136, H.R. 748. As Chief Judge, I reviewed and extended this authorization on June 29, 2020, September 25, 2020, and December 24, 2020 by way of General Orders 20-13, 20-20, and 20-28.

Approximately 90 days have passed since the issuance of General Order 20-28, and in the interim, the undersigned judge has continued to monitor COVID-19 data from within and outside this District, as well as the developing guidance from the Centers for Disease Control and Prevention (CDC) and state and local health authorities. While Kentucky and the rest of the United States are making great strides in vaccinating the public against COVID-19, the ongoing spread of COVID-19, including “variant” strains of the virus proven to be more transmissible, presents a clear and present risk to the community, with current averages for new daily cases and hospitalizations in Kentucky remaining at or above the “peaks” experienced in August of last year.

With available scientific data establishing that the COVID-19 pandemic presents a continued and significant risk to the public, on February 24, 2021, the President announced a continuation of the national emergency. In light of such renewed declaration, and with the Judicial Conference’s emergency declaration remaining in effect, this Court concludes that the risk created by the pandemic warrants a further extension of the video and teleconferencing authorization under the CARES Act.

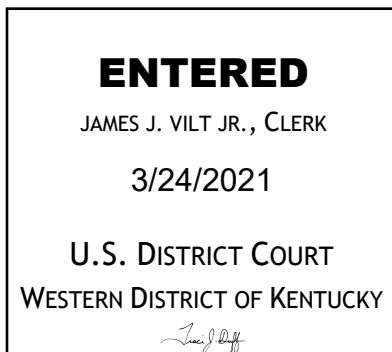
Such finding reflects the fact that many of the people who enter the Western District of Kentucky’s Courthouses are still not fully vaccinated, with many individuals still awaiting the opportunity to receive the COVID-19 vaccine. This finding also reflects the fact that the efficacy of various COVID-19 vaccines on multiple variant strains of the virus remains

unknown, as does the degree to which fully vaccinated individuals can carry and spread the differing strains of COVID-19. Were this Court to exclusively conduct in-person criminal hearings, many unvaccinated individuals would come together in enclosed spaces, and the U.S. Marshals Service would need to coordinate transportation of a large number of in-custody defendants from area jails to our Courthouses and back again.

The Court recognizes that each criminal proceeding conducted in our Courthouses is unique, and a review of the hurdles faced over the course of the last year reveals a wide spectrum of scenarios, some in which in-person proceedings are prudent and can be safely conducted, and others in which they are not. As the risk of COVID-19 spread in our Courthouses increases in step with the number of in-person criminal hearings, the continued authorization of virtual hearings remains necessary to this Court's continued operations.

NOW THEREFORE, acting pursuant to section 15002(b) of the CARES Act and having conducted the necessary review, I hereby extend all findings and authorizations made in General Orders 20-13, 20-20, and 20-28 for an additional 90 days, unless earlier terminated. 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: March 24, 2021



Greg N. Stivers, Chief Judge
United States District Court

A handwritten signature in black ink, appearing to read "Greg N. Stivers", is written over a circular seal. The seal is the official seal of the United States District Court for the Western District of Kentucky, featuring a central emblem with a scale of justice and a sword, surrounded by the text "United States District Court" and "Western District of Kentucky".