
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

IN THE MATTER OF AUTHORIZATION
FOR HEARINGS CONDUCTED BY
VIDEO AND AUDIO CONFERENCE

GENERAL ORDER

No. 20-011

On March 27, 2020, the United States Congress enacted, and the President signed into law, the “Coronavirus Aid, Relief, and Economic Security Act” (CARES Act), H.R. 748. The Act authorizes the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal events during the course of the COVID-19 emergency. As the legislation requires, the Judicial Conference of the United States has also 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.

As Chief Judge, acting pursuant to Section 15002(b)(1) of the Act, I find that emergency provisions under the Act are necessary and appropriate in the District of Utah in light of rising coronavirus cases and deaths in Utah; the dangers of contagion in transport and reintroduction of defendants into jail facilities; the risks created by exposure of court personnel, judges, probation officers, court security officers, and attorneys by having in-person hearings. For these reasons, I hereby authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the Act.

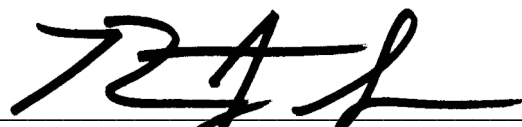
Pursuant to Section 15002(b)(2), I further specifically find that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule

32 of the Federal Rules of Criminal Procedure cannot be conducted in person in the District of Utah without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, 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 video conferencing is not available, for the felony plea or sentencing in that case. Judge 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) of the Act, this authorization will remain in effect for 90 days unless earlier terminated or modified by further order of the Court. If emergency conditions continue to exist 90 days from the entry of this Order, I will review this authorization and determine whether cause exists to extend it.

SO ORDERED this 31st day of March, 2020.

BY THE COURT:



ROBERT J. SHELBY,
CHIEF UNITED STATES DISTRICT JUDGE