

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

IN RE: ADMINISTRATIVE ORDER
NO. 2020-4
PANDEMIC RELATED CURTAILED OPERATIONS

This Court previously entered Orders which provided for the Court's continuous operations in response to the COVID-19 global pandemic. This Order supplements and amends this Court's Administrative Order 2020-1, dated March 13, 2020, as amended by Administrative Orders 2020-2 and 2020-3 (collectively, the "Pandemic Order").

Congress has passed legislation authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the course of the COVID-19 emergency. See the CARES Act, H.R. 748. 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.

Accordingly, to facilitate use of the emergency procedures authorized by the CARES Act, including particularly the use of video and telephone conferencing for various criminal proceedings during the COVID-19 emergency, and pursuant to the mandate for same specified in the CARES Act, the undersigned, as Chief Judge of the United States District Court for the Middle District of Louisiana, hereby amends its Pandemic Order as follows:

Pursuant to Section 15002(b)(1) of the CARES Act, the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, is hereby authorized for the following events listed in Section 15002(b)(1) of the legislation:

1. Detention hearings under section 3142 of title 18, United States Code;
2. Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure;
3. Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure;
4. Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure;
5. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure;
6. Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure;
7. Pretrial release revocation proceedings under section 3148 of title 18, United States Code;
8. Appearances under Rule 40 of the Federal Rules of Criminal Procedure;
9. Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure; and
10. Proceedings under chapter 403 of title 18, United States Code, except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to Section 15002(b)(2) of the CARES Act, the undersigned Chief Judge does 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 this district 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 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).

As previously ordered, and as further specified herein, video teleconference or telephone conference shall take place with consent of the defendant, after consultation with counsel.

Nothing in this Order is intended to impede or prevent a judge from using the judge's discretion to conduct an in-person proceeding in an individual case.

The public may be permitted to access, to the fullest extent possible considering technological restraints, video or telephonic hearings provided for in this Order by submitting a request to the chambers of the presiding judge. Contact information for District Court is available at <http://www.lamd.uscourts.gov/>. Members of the public and the media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion.

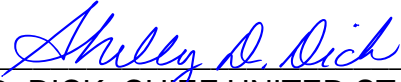
The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record pursuant to 28 U.S.C. § 753(b).

The public is encouraged to use online Court resources at <http://www.lamd.uscourts.gov/> or contact the Court by telephone at (225) 389-3500 with any questions.

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this Order, the authorization under this Administrative Order will be reviewed to determine whether to extend it.

SO ORDERED this 30th day of March 2020.

FOR THE COURT:



SHELLY D. DICK, CHIEF UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA