

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE:

CORONAVIRUS PUBLIC EMERGENCY

AMENDED ORDER CONCERNING JURY TRIALS AND OTHER PROCEEDINGS

As the Centers for Disease Control and Prevention (CDC) and other public health authorities have advised taking precautions to reduce exposure to the coronavirus and to slow the spread of COVID-19, the Court issues this Order to protect public health, reduce the size of public gatherings, and prevent unnecessary travel. Given the current escalation of COVID-19 cases in the counties that comprise the Orlando Division of the Middle District of Florida, the United States courthouse in Orlando, including Bankruptcy Court and Probation and Pretrial Services, will remain open for business, subject to these limitations¹:

1. The prior moratorium on jury trials is extended. Effective immediately, all jury trials in the Orlando Division scheduled to begin before August 31, 2020 are continued pending further order of the Court. The Court may issue

¹ The Chief U.S. District Judge for the Middle District of Florida extended the use of video teleconferencing or telephone conferencing for certain criminal matters under § 15002(b) of the Coronavirus Aid, Relief, and Economic Security Act (“**CARES Act**”) until September 25, 2020, noting “[t]he present pandemic remains a national public health emergency” and the Judicial Conference of the United States has not found that “emergency conditions due to the national emergency . . . no longer materially affect operation of either the federal courts generally or the Middle District of Florida.” *See In re: The Nat’l Emergency Declared on March 13, 2020*, No. 8:20-mc-25, Doc. 2 (M.D. Fla. June 29, 2020).

other orders concerning future continuances as appropriate.

2. All trial-specific deadlines in criminal cases scheduled to begin before August 31, 2020 are continued pending further order of the Court. Individual judges may continue trial-specific deadlines in civil cases in the exercise of discretion.
3. Individual judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
4. The Court is cognizant of the right of criminal defendants to a speedy and public trial, and the particular application of that right in cases against defendants detained pending trial. Any motion by a criminal defendant seeking an exception to this Order to exercise that right should be directed to the District Judge assigned to the matter.
5. The time period of any continuance entered because of this Order is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. The current escalation of COVID-19 cases in the counties that comprise the Orlando Division of the Middle District of Florida is not consistent with the CDC guidelines regarding gating criteria of a 14-day decline in reported cases to begin to recommence government functions, including in-person court proceedings that require the calling of prospective jurors. Absent further

order of the Court or any individual judge, the period of exclusion is from the date of this Order to September 30, 2020. The Court may modify the period of exclusion as circumstances warrant.

6. Individual judges will continue to conduct hearings, conferences, and bench trials in the exercise of discretion, consistent with this Order.
7. Judges are strongly encouraged to conduct court proceedings by telephone or video conference where practicable.
8. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and search-warrant requests, shall continue to take place in the ordinary course.
9. Grand juries shall continue to meet as directed by the United States Attorney's Office pending further order of the Court. Absent emergencies, additional Grand Jury empanelment will be postponed pending further order of the Court.
10. The Clerk's Office, Probation Office, Bankruptcy Court, and all other Court services in the Orlando Division shall remain open pending further order of the Court. Consult these offices directly for more information.

DONE AND ORDERED in Chambers in Orlando, Florida, on July 1, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:

Hon. Steven Merryday, Chief Judge

All Orlando Division District Judges,

Bankruptcy Judges, and Magistrate Judges

James T. Skuthan, Acting Federal Defender

Roger B. Handberg, Criminal Chief, U.S. Attorney's Office

Elizabeth M. Warren, Clerk of Court