

FILED

JAN 25 2021

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY JB DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In the matter of)
USE OF VIDEO)
TELECONFERENCING OR)
TELEPHONE CONFERENCING IN)
CERTAIN CRIMINAL)
PROCEEDINGS DURING COVID-19)
PUBLIC EMERGENCY)

Chief Judge Order No. 56

On March 13, 2020, the President of the United States declared that the Coronavirus Disease 2019 (“COVID-19”) outbreak constitutes a national emergency under the National Emergencies Act, 50 U.S.C. § 1601, *et seq.*

On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), which authorized the Judicial Conference of the United States to provide authority to Chief District Judges to permit the conduct of certain criminal proceedings by video teleconferencing or telephone conferencing during the national emergency related to COVID-19 and ending thirty (30) days after the date on which the national emergency declaration terminates.

On March 29, 2020, the Judicial Conference of the United States found that “emergency conditions due to the national emergency declared by the President with respect to COVID-19 will materially affect the functioning of the federal courts generally.”

On January 5, 2021, the County of San Diego confirmed that a new and more contagious variant of COVID-19 has emerged in San Diego County. As of January 22, 2021, the County of San Diego reported a 11% positivity rate of COVID-19 cases. At this time, the State of California reports that the ICU availability in the Southern California region remains at 0.0%.

Therefore, pursuant to § 15002(b)(1) of the CARES Act, and the authority granted by the Judicial Conference of the United States, the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for the following proceedings:

- (A) Detention hearings under section 3142 of title 18, United States Code;
- (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure;
- (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure;
- (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure;
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure;
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure;
- (G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code;
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure;
- (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure; and
- (J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

In addition, pursuant to § 15002(b)(2) of the CARES Act, the authority granted by the Judicial Conference of the United States, and my finding as Chief Judge 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 without seriously jeopardizing public health and safety, if the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconference, or by

telephone conference if video teleconferencing is not reasonably available. This authority applies to equivalent plea, sentencing or disposition proceedings under chapter 403 of title 18, United States Code (commonly known as the “Federal Juvenile Delinquency Act”).

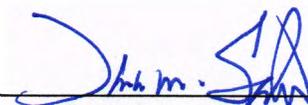
Video teleconferencing or telephone conferencing as authorized by this order may only take place with the consent of the defendant, or the juvenile, after consultation with counsel. This consent may be obtained on the record at the time of the relevant event and need not be in writing.

This order will go into effect on February 5, 2021, when CJO-52C expires, and remain in place for at least thirty (30) days, pending review and reauthorization before that period expires.

In any event, this authority will terminate on the earlier of the last day of the covered emergency period, or the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to COVID-19 no longer materially affect the functioning of either the federal courts generally or this district court.

IT IS SO ORDERED.

Dated: 1-25-21



DANA M. SABRAW
Chief United States District Judge