

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**EXTENSION OF CARES ACT ORDER
FINDINGS REGARDING CRIMINAL
PROCEEDINGS**

**DISTRICT COURT GENERAL
ORDER 2023-2**

On April 6, 2020, this Court entered General Order 2020-4 authorizing the use of video and telephone conferencing for various criminal hearings during the COVID-19 pandemic. On July 2, 2020, September 29, 2020, December 24, 2020, March 23, 2021, June 16, 2021, September 10, 2021, December 7, 2021, March 4, 2022, June 1, 2022, August 29, 2022, and November 21, 2022 this Court issued General Orders 2020-12, 2020-17, 2020-22, 2021-4, 2021-7, 2021-11, 2021-12, 2022-2, 2022-6, 2022-8, and 2022-9 respectively, extending this authorization for an additional 90 days. As Chief Judge, and pursuant to §15002(b)(3)(A) of the CARES Act, I have reviewed this authorization and have determined to extend it for an additional 90 days.

Based upon the ongoing COVID-19 pandemic, the periodic emergence of new variants, and fluctuations in positivity rates, the continued ability to use video teleconferencing or telephone conferencing for hearing certain criminal matters is imperative for public safety and to minimize the risk of exposure to the public, detention facilities, defendants, staff, and counsel.

Accordingly, pursuant to § 15002(b)(1) of the CARES Act, I authorize judges in this district, with the consent of the defendant after consultation with counsel, to continue to use video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following events:

- a. Detention hearings under 18 U.S.C. § 3142;
- 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 18 U.S.C. § 3148;
- 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.

Pursuant to § 15002(b)(2) of the CARES Act, I further find that, depending on the Centers for Disease Control and Prevention COVID-19 community levels, certain felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and certain felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure still cannot be conducted in person without seriously jeopardizing public health and safety. As a result, if judges in individual cases find, for specific reasons, that felony pleas or sentencings in those cases cannot be further delayed without serious harm to the interests of justice, judges may, with the consent of the defendant after consultation with counsel, conduct those proceedings by video teleconference, or by telephone conference if video teleconferencing is not reasonably available. This authority extends to, but is not limited to, equivalent plea, sentencing, or disposition proceedings under the Federal Juvenile Delinquency Act.

Pursuant to § 15002(b)(3) of the CARES Act, 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, I will review this authorization and determine whether to extend it.

Dated at Denver, Colorado this 17th day of February, 2023.

BY THE COURT

A handwritten signature in blue ink, appearing to read "P. A. Brimmer", is written over a horizontal line.

PHILIP A. BRIMMER
Chief United States District Judge