

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE: VIDEO TELECONFERENCING
FOR CRIMINAL PROCEEDINGS.

GENERAL ORDER NO. 2020-07

The President has declared a national emergency under the National Emergencies Act, [50 U.S.C. § 1601 et seq.](#), with respect to the COVID-19 pandemic. [Proclamation No. 9994, 85 Fed. Reg. 15,337 \(Mar. 13, 2020\)](#). And the Judicial Conference of the United States has found that this emergency materially affects the functioning of the Court. Memorandum from the Director of the Administrative Office of the United States Courts to all United States Judges (Mar. 29, 2020) (on file with the Administrative Office of the United States Courts). Accordingly, pursuant to the authority conferred by the [Coronavirus Aid, Relief and Economic Security Act \("CARES Act"\)](#), [Pub. L. No. 116-136, § 15002\(b\), 134 Stat. 281](#),

IT IS ORDERED:


1. The judges of this district may, with the defendant's consent, use video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, to the fullest extent authorized by the CARES Act, § 15002(b)(1), including:
 - a. Detention hearings under [18 U.S.C. § 3142](#),
 - b. Initial appearances under [Fed. R. Crim. P. 5](#),
 - c. Preliminary hearings under [Fed. R. Crim. P. 5.1](#),
 - d. Waivers of indictment under [Fed. R. Crim. P. 7\(b\)](#),
 - e. Arraignments under [Fed. R. Crim. P. 10](#),
 - f. Probation and supervised release revocation proceedings under [Fed. R. Crim. P. 32.1](#),

- g. Pretrial release revocation proceedings under [18 U.S.C. § 3148](#),
 - h. Appearances under [Fed. R. Crim. P. 40](#),
 - i. Misdemeanor pleas and sentencings as described in [Fed. R. Crim. P. 43\(b\)\(2\)](#),
 - j. Proceedings under the Federal Juvenile Delinquency Act, [18 U.S.C. § 5031](#) *et seq.*, except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.
2. The Court specifically finds, based on the risk of COVID-19 transmission in and from the correctional facilities used for federal prisoners, that felony pleas under [Fed. R. Crim. P. 11](#) and felony sentencings under [Fed. R. Crim. P. 32](#) cannot be conducted in person without seriously jeopardizing public health and safety. *See* [General Order 2020-05](#).
 3. District judges in this district may authorize pleas to be taken and impose sentence by video teleconference, or by telephone conference if video conferencing is not reasonably available, in any case in which the defendant consents and the district judge finds that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.
 4. Unless otherwise provided by the Federal Rules of Criminal Procedure, the defendant's consent to conducting any proceeding by video teleconference or telephone conference may be established orally on the record during the proceeding, if the judge presiding over the hearing finds that the defendant's consent is knowing and voluntary.
 5. The provisions of this General Order shall apply to any proceedings under the Federal Juvenile Delinquency Act to the extent authorized by the CARES Act, § 15002(b)(2)(B).

6. The Court will vacate, extend, or amend this General Order no later than June 28, 2020.

Dated this 30th day of March, 2020.

BY THE COURT:



John M. Gerrard
Chief United States District Judge