

FILED
DISTRICT COURT OF GUAM

MAR 30 2020

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JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-0013

CORONAVIRUS AID, RELIEF, AND
ECONOMIC SECURITY ACT (“CARES
ACT”) AUTHORIZATION FOR VIDEO
AND AUDIO CONFERENCING IN
CRIMINAL PROCEEDINGS

On March 13, 2020, the President of the United States issued a proclamation declaring a National Emergency in response to the Coronavirus Disease-2019 (“COVID-19”) pandemic pursuant to the National Emergencies Act (50 U.S.C. § 1601, *et seq.*). On March 27, 2020, Congress passed 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 or audio conference. The President signed the CARES Act into law on March 27, 2020.

On March 29, 2020, the Judicial Conference of the United States made the appropriate findings as required under the CARES Act, finding specifically that “emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601, *et seq.*) with respect to the Coronavirus Disease 2019 (COVID-19) have materially affected and will materially affect the functioning of the federal courts generally.”

Thus, acting pursuant to § 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, I make the following findings and order:

1. I find that emergency conditions due to the COVID-19 virus outbreak will materially affect the functioning of the District Court of Guam. Thus, pursuant to the authority granted under § 15002(b)(1) of the CARES Act, I hereby authorize judges in the District Court of Guam, with the consent of the defendant or the juvenile after consultation with counsel, to use video conferencing, or telephonic conferencing if video conferencing is not reasonably available for use, for the following events:

(A) Detention hearings under section 3142 of title 18, United States Code.

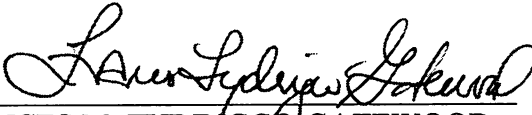
(B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.

- 1 (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal
2 Procedure.
- 3 (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal
4 Procedure.
- 5 (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- 6 (F) Probation and supervised release revocation proceedings under Rule 32.1
7 of the Federal Rules of Criminal Procedure.
- 8 (G) Pretrial release revocation proceedings under section 3148 of title 18,
9 United States Code.
- 10 (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- 11 (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the
12 Federal Rules of Criminal Procedure.
- 13 (J) Proceedings under chapter 403 of title 18, United States Code (commonly
14 known as the "Federal Juvenile Delinquency Act"), except for contested
15 transfer hearings and juvenile delinquency adjudication or trial proceedings.
16

17 2. Pursuant to Section 15002(b)(2), I further specifically find that felony pleas under
18 Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the
19 Federal Rules of Criminal Procedure cannot be conducted in person in this district without
20 seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds,
21 for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without
22 serious harm to the interests of justice, the judge may, with the consent of the defendant after
23 consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not
24 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).

3. 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, I will review this authorization and determine whether to extend it.

SO ORDERED this 30th day of March, 2020.


FRANCES M. TYDINGCO-GATEWOOD
Chief Judge