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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

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IN RE: AUTHORIZATION FOR VIDEO AND TELEPHONE CONFERENCING UNDER THE CARES ACT AND THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS

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**AMENDED
TEMPORARY GENERAL ORDER
2020-05**

On March 30, 2020, the Court issued Temporary General Order 2020-05 to authorize the use of video and telephone conferencing under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act authorizes the use of video and telephone conferencing under certain circumstances and with the consent of the defendant for various criminal case events during the course of the COVID-19 emergency. On March 29, 2020, the Judicial Conference of the United States also found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally. The Court has repeatedly extended Temporary General Order 2020-05 to continue to accommodate the needs of the criminal-justice system as this emergency has developed. Having reassessed those needs in light of the current status of this emergency and the resources available to the Court to address public safety, as Chief Judge I hereby order as follows:

1. Pursuant to Section 15002(b)(1) of the CARES Act, I continue to authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002 of the CARES Act, including but not limited to detention hearings, initial appearances, preliminary

1 hearings, waivers of indictment, arraignments, misdemeanor pleas and
2 sentencings, and revocation proceedings.

3 2. Pursuant to Section 15002(b)(2) of the CARES Act, I further specifically find that,
4 for detainee defendants testing positive for COVID-19 or detainee defendants
5 who are immunocompromised or otherwise at higher risk of contracting COVID-
6 19, felony pleas and felony sentencings cannot be conducted in person in this
7 district without seriously jeopardizing public health and safety. If a judge in an
8 individual case finds, for specific reasons, that a felony plea or sentencing for
9 such a defendant cannot be further delayed without serious harm to the interests
10 of justice, the judge may, with the consent of the defendant after consultation with
11 counsel, use video conferencing, or teleconferencing if video conferencing is not
12 reasonably available, for the felony plea or sentencing in that case. Judges may
13 also use this authority for equivalent events in juvenile cases as described in
14 Section 15002(b)(2)(B) of the CARES Act.

15 3. Pursuant to Section 15002(b)(3) of the CARES Act, this authorization will remain
16 in effect for 90 days unless terminated earlier and this order supersedes the
17 original Temporary General Order 2020-05 and all extensions thereof. If
18 emergency conditions continue to exist 90 days from the entry of this Order, I will
19 review the authorization and determine whether to extend it.

20 To protect the health and safety of everyone involved in the video or telephonic
21 proceedings authorized herein, the Court orders that all documents and signatures
22 required from any party including, but not limited to, financial affidavits, consents to
23 waive preliminary hearings, pretrial and probation reports, and appearance
24 bonds/orders for release will be performed electronically with the [s/name] format. For
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1 the defendant, the defense counsel may sign on behalf of the defendant after receiving
2 the defendant's consent and may file the document electronically.

3 In addition, I authorize the following temporary procedures to provide the pretrial
4 services report¹ to counsel electronically, while considering the confidentiality of the
5 information contained within the report:

- 6 1. United States Pretrial Services for this District may appear via video conferencing
7 or teleconferencing for the criminal proceedings covered by this Order.
- 8 2. Pretrial Services is authorized to email the pretrial services report to assigned
9 counsel who are appearing by video conferencing or telephone conferencing in
10 hearings in criminal cases where such a report is required to be used and solely
11 for the purposes of bail determination. Upon completion of such a hearing in each
12 case, counsel must permanently delete the emailed pretrial services report and/or
13 promptly shred any hard copies. No record of the pretrial services report may be
14 kept or redisclosed by the recipient under any circumstances.

15 For the proceedings authorized herein and consistent with Temporary General
16 Order 2020-04, the public will be permitted access to videoconference or telephone
17 hearings using the Court's teleconference line, as available. Recording or broadcasting
18 of Court proceedings is strictly prohibited.

19 DATED THIS 25th Day of March 2022.



21 MIRANDA M. DU, CHIEF JUDGE
22 U.S.D.C. FOR THE DISTRICT OF NEVADA

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25 ¹Historically, the District of Nevada has complied with the requirements established
26 under 18 U.S.C. § 3153 to protect the confidentiality of the pretrial services report by
physically providing copies of the pretrial services report to the interested parties at the
applicable hearing, and then collecting the report at the conclusion of the hearing.