

FILED

December 21, 2022

**KAREN MITCHELL
CLERK, U.S. DISTRICT
COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

ELEVENTH AMENDED SPECIAL ORDER NO. 13-9

**COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES
CREATED BY THE COVID-19 PANDEMIC:
VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS**

The COVID-19 pandemic and concern for public health and safety have caused the Court to temporarily modify various procedures. Notwithstanding the general improvement in COVID-19 transmissions, remote proceedings, especially in criminal cases, remain an important tool for reducing exposure. On behalf of the Court, and under authority granted by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), I have considered the current risk presented by COVID-19 in the Northern District of Texas. Based on my evaluation and on findings of the Judicial Conference of the United States that emergency conditions materially affect the functioning of the Court, I have determined that the proceedings covered by this Order cannot be conducted in person without seriously jeopardizing public health and safety. Consequently, I reauthorize the use of video conferencing and, if video conferencing is not reasonably available, telephone conferencing, for the following proceedings:

1. Detention hearings under section 3142 of title 18, United States Code.
2. Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
3. Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
4. Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
5. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
6. Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.

7. Pretrial release revocation proceedings under section 3148 of title 18, United States Code.
8. Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
9. Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
10. 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.
11. Felony pleas under Fed.R.Crim.P. 11 and felony sentencings under Fed.R.Crim.P. 32.

Video teleconferencing or telephone conferencing under this Order may only take place with consent of the defendant, after consultation with counsel. For felony pleas and sentencings, the district judge in a particular case must find, for specific reasons, that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.

The reauthorization to use video teleconferencing and telephone conferencing provided by this Order, unless terminated earlier by operation of law or modified by subsequent order, will remain in effect for 90 days following entry. Nothing in this Order is intended to prevent a judge from concluding that proceedings may be conducted in person without seriously jeopardizing public health and safety. The act of conducting a proceeding in person constitutes an implied finding by the judge that the proceeding will not seriously jeopardize public health and safety.

SO ORDERED.

December 21, 2022


DAVID C. GODBEY
CHIEF JUDGE