

**FILED**

**JUN 09 2022**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: FURTHER EXTENSION OF  
AUTHORIZATION FOR USE OF VIDEO  
TELECONFERENCING AND  
TELECONFERENCING FOR FELONY  
PLEAS AND SENTENCINGS AND  
CERTAIN JUVENILE DELINQUENCY  
PROCEEDINGS

Standing Order No. 22-35 (BAH)

Chief Judge Beryl A. Howell

**ORDER**

On May 12, 2022, pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, § 6002, Div. B, Title V, § 15002(b)(3)(A), 134 Stat. 281, 529 (2020), authorization for use of video teleconferencing (or telephone conferencing if video conferencing is not reasonably available) was continued for 90 days, until August 11, 2022, for criminal proceedings enumerated in § 15002(b)(1) of the CARES Act. *See In Re: Ninth Extension of Authorization for Use of Video Teleconferencing and Teleconferencing for Certain Criminal and Juvenile Delinquency Proceedings*, Standing Order No. 22-27 (BAH) (May 12, 2022), ¶ (a). Authorization for use of video teleconferencing (or telephone conferencing if video conferencing is not reasonably available) was continued for 30 days, until June 12, 2022, for felony pleas and sentencings, under Rules 11 and 32, respectively, of the Federal Rules of Criminal Procedure, with the finding, pursuant to the CARES Act, § 15002(b)(2), that requiring all such felony pleas and sentencings to be conducted in person would pose continued serious jeopardy to public health and safety. *Id.* ¶ (b).

The Court has continued to monitor the circumstances in this district relating to the COVID-19 pandemic. In addition to the findings enumerated in Standing Order 22-27, which are incorporated herein by reference, the Court further finds:

1. As of June 8, 2022, the current COVID-19 community level in the District of Columbia is “medium” under the metrics established by the Centers for Disease Control and Prevention (“CDC”), suggesting a moderate impact on the local healthcare system and moderate levels of disease severity in this district;<sup>1</sup> and
2. The weekly case rate of reported COVID-19 cases per 100,000 population in the District of Columbia was 284.5 for the week ending May 28, 2022.<sup>2</sup> This rate is lower than the rates of the preceding two weeks but higher than the reported rates of all weeks in February through April 2022.<sup>3</sup> Moreover, actual case rates are likely higher than those reported as positive results received from at-home testing may not be included.

Accordingly, it is hereby **ORDERED**:

**(a) Video Conferencing Authorization for Felony Pleas and Sentencings.**

Pursuant to the CARES Act, § 15002(b)(2), authorization for use of video teleconferencing (or telephone conferencing if video conferencing is not reasonably available) is further continued **until August 11, 2022**, or the earliest of the circumstances set forth, *infra*, in paragraph (b), for felony pleas and sentencings, under Rules 11 and 32, respectively, of the Federal Rules of Criminal Procedure, as such proceedings require

---

<sup>1</sup> *Coronavirus: Key Metrics*, GOVERNMENT OF THE DISTRICT OF COLUMBIA (June 8, 2022), <https://coronavirus.dc.gov/key-metrics>; *see also COVID-19 by County (District of Columbia)*, CENTERS FOR DISEASE CONTROL AND PREVENTION (June 2, 2022), <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>.

<sup>2</sup> *Coronavirus: Key Metrics*, *supra* note 1.

<sup>3</sup> *Id.*

close contact between criminal defendants and their counsel, government counsel, court staff, Deputy United States Marshals, Court Security Officers, and Judges, and may require the transport of detained individuals, who may be unvaccinated, from various jail facilities to the courthouse within a confined vehicle space or may require significant travel of defendants or attorneys from out of town. Incorporating all findings from Standing Order 22-27, as supplemented by the findings above, requiring all such felony pleas and sentencings to be conducted in person would pose continued serious jeopardy to the public health and safety of in-court participants and others with whom they may have contact. This authorization is subject, as required by the CARES Act, to a finding by the presiding judge in a particular case that a plea or sentencing cannot be further delayed without serious harm to the interests of justice, *see* CARES Act, § 15002(b)(2)(A), and to the consent of the defendant, after consultation with counsel, *see id.* § 15002(b)(4). The authority of this paragraph applies with respect to equivalent plea and sentencing, or disposition, proceedings under chapter 403 of title 18, United States Code. *See id.* § 15002(b)(2)(B).

**(b) Expiration of Authorizations**

The authorizations for video and teleconferencing shall remain in effect until the date indicated above or the earliest of the following:

- (i) Thirty days after the date on which the President's national emergency declaration terminates;
- (ii) The date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President no longer materially affect the functioning of either the Federal courts generally or this Court in particular; or

(iii) This Court determines that authorization is no longer warranted.

The Court shall review the authorizations for use of video teleconferencing or telephone conferencing on or before the dates indicated in sections (a) to determine whether such authorization is still warranted and whether any extensions are necessary.

(d) **Further Orders.** Further orders addressing court operations and proceedings in the exigent circumstances caused by the COVID-19 pandemic will be issued as circumstances warrant.

**SO ORDERED.**

Date: June 9, 2022



Handwritten signature of Beryl A. Howell in cursive script.

---

BERYL A. HOWELL  
Chief Judge