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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5
6 IN RE: AUTHORIZATION FOR VIDEO AND
7 TELEPHONE CONFERENCING UNDER
8 THE CARES ACT AND THE EXIGENT
9 CIRCUMSTANCES CREATED BY COVID-
10 19 AND RELATED CORONAVIRUS

**TEMPORARY GENERAL ORDER
2020-05**

11 This General Order is being issued in response to the outbreak of the coronavirus
12 disease 2019 (“COVID-19”) in the District of Nevada, and follows three prior temporary
13 general orders changing how the Court operates to do its part in containing the spread
14 of COVID-19. (See Temporary General Orders 2020-02, 2020-03, 2020-04.)¹ The Court
15 incorporates its prior findings regarding COVID-19 and the current state of emergency
16 declarations and guidelines as set forth in these prior general orders. Particularly
17 pertinent here is Temporary General Order 2020-04, which strives to eliminate in-person
18 court appearances in this district.

19 On March 27, 2020, Congress passed the “Coronavirus Aid, Relief, and
20 Economic Security Act” (“CARES Act”) authorizing the use of video and telephone
21 conferencing, under certain circumstances and with the consent of the defendant, for
22 various criminal hearings during the course of the COVID-19 emergency. See CARES
23 Act, H.R. 748, Public Law No. 116-136. On March 29, 2020, the Judicial Conference of
24 the United States also found that emergency conditions due to the national emergency

25 ¹Available at [https://www.nvd.uscourts.gov/court-information/rules-and-](https://www.nvd.uscourts.gov/court-information/rules-and-orders/general-orders/)
26 [orders/general-orders/](https://www.nvd.uscourts.gov/court-information/rules-and-orders/general-orders/).

1 declared by the President have affected and will materially affect the functioning of the
2 federal courts generally.

3 As Chief Judge, and pursuant to Section 15002(b)(1) of the CARES Act, I hereby
4 order as follows:

5 1. I authorize the use of video conferencing, or telephone conferencing if
6 video conferencing is not reasonably available, for all events listed in Section 15002 of
7 the CARES Act.

8 2. Pursuant to Section 15002(b)(2) of the CARES Act, I further specifically
9 find that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and
10 felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be
11 conducted in person in this district without seriously jeopardizing public health and
12 safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony
13 plea or sentencing in that case cannot be further delayed without serious harm to the
14 interests of justice, the judge may, with the consent of the defendant, and after
15 consultation with counsel, use video conferencing, or teleconferencing if video
16 conferencing is not reasonably available, for the felony plea or sentencing in that case.
17 Judges may also use this authority for equivalent events in juvenile cases as described
18 in Section 15002(b)(2)(B) of the CARES Act.

19 3. Pursuant to Section 15002(b)(3) of the CARES Act, this authorization will
20 remain in effect for 90 days unless terminated earlier. If emergency conditions continue
21 to exist 90 days from the entry of this Order, I will review the authorization and determine
22 whether to extend it.

23 In addition, to protect the health and safety of everyone involved in the
24 proceedings authorized herein, the Court authorizes the following temporary
25 procedures:

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1 1. All documents and signatures required from any party including, but not
2 limited to, financial affidavits, consents to waive preliminary hearings, pretrial and
3 probation reports, and appearance bonds/orders for release will be performed
4 electronically with the [s/name] format. Defense counsel may sign on behalf of the
5 defendant, after receiving the defendant's consent, and file the document electronically.

6 2. Pretrial Services is authorized to email the pretrial services report to
7 assigned counsel in each case to facilitate video conferencing or the telephonic hearings
8 where such a report is required to be used.² Counsel may use the pretrial services report
9 solely for the purposes of bail determination or pretrial release. Upon completion of such
10 a hearing in each case, counsel must permanently delete the emailed pretrial services
11 report and promptly shred any hard copies. No record of the pretrial services report may
12 be kept or redisclosed by the recipient under any circumstances.

13 For the proceedings authorized herein and consistent with Temporary General
14 Order 2020-04, all courtrooms will be physically closed, and members of the public may
15 call in to listen to a scheduled hearing on the phone line provided for each hearing.
16 Members of the public and media are strictly prohibited from recording or broadcasting
17 any hearing, in whole or in part, in any fashion.

18 Dated this 30th day of March 2020.

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21 _____
22 MIRANDA M. DU, CHIEF JUDGE
23 UNITED STATES DISTRICT COURT FOR
24 THE DISTRICT OF NEVADA

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26 ²Historically, the District of Nevada has complied with the regulations established
27 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.