

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

THIRD 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. Under authority granted by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and based on findings of the Judicial Conference of the United States that emergency conditions materially affected the functioning of the Court, I authorized on March 29, 2020, and subsequently reauthorized on June 24 and on September 15, the use of video teleconferencing and 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.

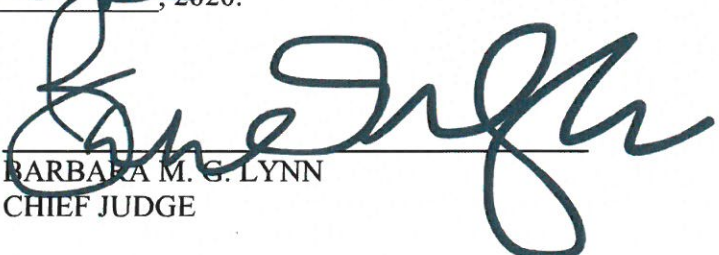
10. Proceedings under chapter 403 of title 18, United States Code (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Additionally, I authorized and reauthorized the use of video teleconferencing and telephone conferencing for felony pleas under Fed.R.Crim.P. 11 and felony sentencings under Fed.R.Crim.P. 32 after specifically finding that these proceedings could not be conducted in person without seriously jeopardizing public health and safety.

Having considered updated data from across the district concerning the COVID-19 pandemic, I have decided to reauthorize the use of video teleconferencing and telephone conferencing, if video teleconferencing is not reasonably available, under authority of § 15002(b) of the CARES Act. 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.

SO ORDERED this 11 day of December, 2020.


BARBARA M. G. LYNN
CHIEF JUDGE