

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

In re: Use of Video and Telephone) **ADMINISTRATIVE ORDER**
Conferencing for Hearings in Criminal)
Cases During Period of Emergency Created)
by COVID-19)

Congress has passed legislation authorizing 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. See The CARES Act, H.R. 748. The Judicial Conference of the United States has 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.

As Chief Judge, and pursuant to Section 15002(b)(1) of the legislation, I hereby authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the legislation:

- (A) Detention Hearings under Section 3142 of title 18, United States Code.
- (B) Initial Appearances under Rule 5 of the Federal Rules of Criminal Procedure.
- (C) Preliminary Hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
- (D) Waivers of Indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (F) Probation and Supervised Release Revocation Proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
- (G) Pretrial Release Revocation Proceedings under Section 3148 of title 18, United States Code.
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (I) Misdemeanor Pleas and Sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (J) 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.

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

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect until June 28, 2020, unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, I will review this authorization and determine whether to extend it.

Dated: March 30, 2020, at 3:00 p.m.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court