

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VIDEO CONFERENCING AND :
TELECONFERENCING FOR CRIMINAL : **SIXTH EXTENSION OF**
PROCEEDINGS UNDER THE CARES ACT : **STANDING ORDER 2021-03**

WHEREAS, on March 13, 2020, the President of the United States declared the outbreak of COVID-19 to be a national emergency, under the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*; and

WHEREAS, on March 27, 2020, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), 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, pursuant to certain findings by the Judicial Conference of the United States; and

WHEREAS, on March 29, 2020, the Judicial Conference found that emergency conditions, consistent with the national emergency declared with respect to COVID-19, will materially affect the functioning of the federal courts (“Judicial Conference’s finding”); and

WHEREAS, as Chief Judge, I found, on March 30, 2020, pursuant to Sections 15002(b)(1) and (b)(2) of the CARES Act, that criminal proceedings, and specifically, felony pleas and felony sentencings, could not be conducted in person without seriously jeopardizing public health and safety, and therefore entered a Standing Order authorizing the use of video and telephone conferencing in criminal proceedings in conformance with the CARES Act; and

WHEREAS, the national emergency, first declared on March 13, 2020, was continued beyond March 1, 2021, and again, indefinitely beyond March 1, 2022, and accordingly, this Court’s initial CARES Act Standing Order has been extended nine times, the most recent such Order having been entered on May 17, 2022; and

WHEREAS, the national emergency remains in effect, as does the Judicial Conference’s finding, and therefore, this Court may again extend authorization of remote criminal proceedings; and

WHEREAS, pursuant to Section 15002(b)(3) of the CARES Act, this Court’s most recent 90-day authorization of the use of video and telephone conferencing in criminal proceedings, in accordance with the CARES Act, set forth in its May 17, 2022, Fifth Extension of Standing Order 2021-03, will expire on August 16, 2022; and

WHEREAS, with the continued presence of highly transmissible variants of the virus, the spread of COVID-19 persists in New Jersey, such that, for the period of July 28 - August 4, 2022, New Jersey reported 55 additional COVID-19-related fatalities; and

WHEREAS, as of August 4, 2022, 14 of the State's 21 counties have "high" community risk levels, up from the 10 counties at high risk as of the entry of this Court's last extension of Standing Order 2021-03, and those 14 counties currently at high risk include Camden and Essex, the locations of two of the Court's three vicinages; and

WHEREAS, this Court, therefore, still finds it necessary to continually monitor the conditions in each of its three vicinages and to implement corresponding CDC recommendations; and

WHEREAS, in accordance with CDC guidance, due to the high community risk levels in Camden and Essex Counties, this Court reinstated the indoor mask mandate in our Camden and Newark courthouses, requiring all individuals, regardless of vaccination status or individual risk, to wear masks indoors and in public, while the community risk level remains high in those counties; and

WHEREAS, despite medical advances, including the widespread availability of vaccines, and the fact that 75% of this District's population has been fully vaccinated, less than 50% of those fully vaccinated have received a booster, and substantial numbers of persons remain at high risk from COVID-19, and therefore, precautions must be maintained; and

WHEREAS, the courthouses of this District continue to operate under restrictive entry conditions, consistent with this Court's prior Standing Orders, and will do so for the foreseeable future; and

WHEREAS, many detainees housed in this District's detention facilities remain unvaccinated and/or unboosted, as do many staff of such facilities and others responsible for facility and Court security; and

WHEREAS, although this Court resumed in-person proceedings on February 1, 2022, due to the continued risk of COVID-19 transmission in detention facilities and the community, it still remains necessary to conduct proceedings remotely when the interests of justice require it; and

WHEREAS, as Chief Judge, I find, therefore, that there are still enhanced risks of in-person proceedings to defendants, the population of detention centers, and to court participants; and

WHEREAS, I further find that video and teleconference proceedings held pursuant to the Court's prior CARES Act Orders have been effective and have substantially furthered the ends of justice and have substantially avoided causing serious harm to the interests of justice, particularly as to the interests of the defendants who have consented to the same; and

WHEREAS, I, as Chief Judge, find, pursuant to Section 15002(b)(1) of the CARES Act, that due to the continuing effects of COVID-19, many criminal proceedings still cannot be conducted in person without seriously jeopardizing public health and safety, and that pursuant to Section 15002(b)(2) of the CARES Act, many felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and many felony sentencing under Rule 32 of the Federal Rules of Criminal

Procedure also cannot be conducted in person in this Court without seriously jeopardizing public health and safety; it is hereby

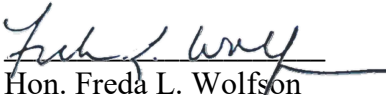
ORDERED, pursuant to Section 15002(b)(3) of the CARES Act, that the authorization in the Court's prior CARES Act Orders of the use of video and telephone conferencing in criminal proceedings is further extended for an additional 90 days from the date of this Order, unless this Order is terminated or vacated prior to such date, according to the procedures set forth in the last paragraph of this Order; and it is further

ORDERED that, in lieu of personal appearance, and with the consent of the defendant after consultation with counsel, video conferencing, or telephone conferencing if video conferencing is not reasonably available, is continued to be authorized for all events listed in Section 15002(b) of the CARES Act, including the ten criminal proceedings enumerated in the Second Extension of Amended Standing Order 2020-06; and it is further

ORDERED that if a judge in an individual case finds, for specific reasons, that any felony plea or felony sentencing, or any equivalent plea or sentencing, as well as proceedings under the Federal Juvenile Delinquency Act, cannot be further delayed without serious harm to the interests of justice, then, with the consent of the defendant, or the juvenile, after consultation with counsel, the plea, sentencing or any equivalent proceeding, may be conducted by video conference, or by telephone conference if video conferencing is not reasonably available; and it is further

ORDERED that if, 90 days from the date of this Order, the emergency declaration remains in effect, along with the Judicial Conference's finding that the emergency conditions will materially affect the functioning of the federal courts, the Chief Judge shall review the authorization described in this Order and determine whether it shall be further extended. Pursuant to Section 15002(b)(3)(A) of the CARES Act, such review will occur at least once every 90 days, until the last day of the covered emergency period, or until the Chief Judge determines that the authorization is no longer warranted. Should the above-referenced emergency declaration or the Judicial Conference's finding terminate or be revoked prior to the expiration of 90 days from the date of this Order, then this Order may then be vacated according to law.

August 8, 2022


Hon. Freda L. Wolfson
U.S. Chief District Judge
District of New Jersey