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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

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DEPUTY

IN RE: USE OF VIDEO AND TELEPHONE)
CONFERRING FOR CRIMINAL) G.O. 21-5.3
PROCEEDINGS DURING THE COVID-19) (Extending G.O. 20-9.1)
PANDEMIC)

ORDER

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) into law. The CARES Act provides that “if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) will materially affect the functioning of . . . the Federal courts generally . . . the chief judge of a district court covered by the finding . . . may authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not available.” H.R. 748 at § 15002(b)(1). On March 29, 2020, the Judicial Conference of the United States specifically found that emergency conditions due to COVID-19 “have materially affected and will materially affect the functioning of the federal courts generally.” Memorandum from Director James C. Duff to All United States Judges at 1 (Mar 29, 2020).

On March 31, 2020, I authorized the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the events authorized by § 15002(b)(1). *In Re: Use of Video and Telephone Conferencing for Criminal Proceedings During the COVID-19 Pandemic*, G.O. 20-9.1 at 1-2 (Mar. 31, 2020). In addition, pursuant to § 15002(b)(2), I found that, under the circumstances then

existing, felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 could not in every instance be conducted in person without seriously jeopardizing public health and safety. Thereafter, the authorizations contained in G.O. 20-9.1 have been extended for an additional 90 days. *In Re: Use of Video and Telephone Conferencing for Criminal Proceedings During the COVID-19 Pandemic*, G.O. 20-9.2 at 2 (June 29, 2020); G.O. 20-9.3 at 2 (Sept. 17, 2020); G.O. 20-9.4 at 3 (Dec. 14, 2020); G.O. 21-5 at 3 (Mar. 11, 2021); G.O. 21-5.1 at 3 (June 9, 2021); G.O. 21.5.2 at 2 (Sept. 7, 2021).

Section 15002(b)(3)(A) of the CARES Act, G.O. 20-9.1, G.O. 20-9.2, G.O. 20-9.3, G.O. 20-9.4, G.O. 21-5, G.O. 21-5.1, and G.O. 21-5.2 provide that if emergency conditions continue to exist 90 days after issuance of the original or subsequent Order, the Chief Judge must review the findings contained in the Order and determine whether to extend the authorizations contained therein. Pursuant to that requirement, I have conducted that review and find that the circumstances existing today weigh in favor of continuing the authorizations. Although 55 percent of Oklahomans have been fully vaccinated, a new variant has been identified in the United States and community spread of the virus remains extensive. Indeed, daily new cases of COVID-19 in the State of Oklahoma are nearly 7 times higher than in March 2020 when video teleconferencing was first authorized.

I therefore extend the authorizations contained in G.O. 20-9.1 for an additional 90 days. All other provisions of G.O. 20-9.1 shall remain in effect until further order of the Court. If emergency conditions continue to exist 90 days from the date of this Order, the findings contained in the Order will be reviewed and a determination will be made whether to further extend the authorizations.

IT IS SO ORDERED this 2nd day of December, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge