

GO 20-19

**In the United States District Court**  
**in and for the**  
**Eastern District of Texas**

**GENERAL ORDER REGARDING EMERGENCY PROCEDURES**  
**AUTHORIZED BY THE CORONAVIRUS AID, RELIEF, AND**  
**ECONOMIC SECURITY ACT, H.R. 748, P.L.116-136, 134 Stat. 281,**  
**(CARES ACT) INCLUDING THE USE OF VIDEO AND TELEPHONE**  
**CONFERENCE FOR VARIOUS CRIMINAL EVENTS DURING THE**  
**COVID-19 EMERGENCY FOR AND LIMITED TO**  
**THE SHERMAN DIVISION AND AS SPECIFIED HEREIN**

This order is issued due to the continued outbreak of the Coronavirus Disease (COVID-19) generally in the State of Texas, particularly and specifically within the Sherman Division.

The President of the United States and Governor of the State of Texas have declared a public health emergency throughout the nation and state, respectively, in response to the spread of COVID-19.

The Centers for Disease Control and Prevention (CDC) and other public health authorities have recommended social distancing as a means of limiting further community spread of COVID-19, and these recommendations have been implemented nationally.

Congress has passed and the President has signed into law THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, H.R. 748, P.L.116-136, 134 Stat. 281 (“CARES Act”), which authorizes the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal proceedings during the course of the COVID-19 emergency.

The CARES Act conditions the availability of these emergency procedures on a finding by the Judicial Conference of the United States (“JCUS”) that “emergency conditions due to the national emergency declared by the President” will “materially affect the functioning of either the federal courts generally or a particular district court of the United States.” The JCUS has adopted a finding that emergency conditions exist that materially affect the functioning of the federal courts generally.

Accordingly, to facilitate use of the emergency procedures authorized by the CARES Act, including particularly the use of video and telephone conferencing for various criminal proceedings during the COVID-19 emergency, and pursuant to the mandate for same specified in the CARES Act, the undersigned, acting as Chief Judge of the United States District Court for the Eastern District of Texas, hereby issues the following order for and limited to the Sherman Division of said District:

1. Considering and implementing paragraph 1 of the CARES Act and by act of the undersigned Chief Judge, the Court authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following proceedings:
  - a. Detention hearings under 18 U.S.C. § 3142.
  - 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 18 U.S.C. § 3148.

- 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.
2. Considering and implementing paragraph 2 of the CARES Act and by act of the undersigned Chief Judge, it is specifically found that felony pleas under Federal Rule of Criminal Procedure 11 and felony sentencings under Rule 32 cannot be conducted in person in the Sherman Division of the Eastern District of Texas, without seriously jeopardizing public health and safety. A felony plea or sentencing hearing may be held by video conferencing, or by telephone conferencing if video conferencing is not reasonably available, where the presiding judge finds, for specific reasons, that the plea or sentencing in a particular case cannot be further delayed without serious harm to the interests of justice.
  3. Video teleconferencing or telephone conferencing authorized by any portion of this Order may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.
  4. The public may be permitted to access any such hearings provided for in this Order by submitting a request to the chambers of the presiding judge. Members of the public and the media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion.
  5. The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record pursuant to 28 U.S.C. § 753(b).

The public is encouraged to use online Court resources or contact the Court by telephone with any questions. <http://www.txed.uscourts.gov>.

This order will remain in effect until January 1, 2021, unless extended by subsequent order; however, without formal extension it shall terminate on that date.

**FOR THE COURT:**

**SO ORDERED and SIGNED this 19<sup>th</sup> day of November, 2020.**

A handwritten signature in black ink that reads "Rodney Gilstrap". The signature is written in a cursive style with a horizontal line underneath it.

**RODNEY GILSTRAP  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**