

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISIONS OF ST. CROIX and ST. THOMAS/ST. JOHN**

IN RE:	)	
	)	<b>General Order</b>
	)	
DISTRICT COURT OPERATIONS	)	
DURING THE COVID-19	)	Miscellaneous No. 2020-0001
OUTBREAK	)	
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**EIGHTH ORDER CONCERNING OPERATIONS OF  
THE DISTRICT COURT OF THE VIRGIN ISLANDS  
VIDEO AND TELECONFERENCES FOR CRIMINAL PROCEEDINGS**

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency under the National Emergencies Act (50 U.S.C. §§ 1601 *et seq.*) with respect to the coronavirus disease (“COVID-19”); and

WHEREAS, on March 27, 2020, Congress passed and the President signed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) authorizing the use of videoconferencing and teleconferencing—under certain circumstances and with the consent of the defendant after consultation with counsel—for various events in criminal cases during the course of the COVID-19 emergency, *see* CARES Act, H.R. 748, §§ 15002 *et seq.*; and

WHEREAS, on March 29, 2020, the Judicial Conference of the United States found, pursuant to the CARES Act, that emergency conditions due to the above-referenced national emergency declared by the President have materially affected and will materially affect the functioning of the federal courts generally; and

WHEREAS, as Chief Judge of the District Court of the Virgin Islands (“Chief Judge”), on April 9, 2020, I issued the Third Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings (“Third Order”); and

Rec'd JUDGE SW 07 08 20 AM 09:33

**WHEREAS**, in the Third Order, I exercised the authority granted to me as Chief Judge, pursuant to § 15002(b)(1) of the CARES Act, to authorize, on my own motion, the use of videoconferencing or teleconferencing for certain criminal proceedings under certain conditions; and

**WHEREAS**, in the Third Order, as Chief Judge and pursuant to § 15002(b)(2) of the CARES Act, I also specifically found, on my own motion, 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 Procedure could not be conducted in person in this judicial district without seriously jeopardizing public health and safety; and

**WHEREAS**, in the Third Order, I ordered that pursuant to § 15002(b)(3) of the CARES Act, the Third Order would remain in effect for 90 days, unless terminated earlier, and that if on the 90th day, the President's emergency declaration remained 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 would review the authorization in the Third Order and determine whether it should be extended; and

**WHEREAS**, on this day, July 8, 2020, the 90th day after the entry of the Third Order, the President's emergency declaration and the Judicial Conference's finding remain in effect; and

**WHEREAS**, as Chief Judge, I continue to have the authority, pursuant to § 15002(b)(1) of the CARES Act, to authorize, on my own motion, the use of videoconferencing or teleconferencing for certain criminal proceedings under certain conditions; and

**WHEREAS**, as Chief Judge and pursuant to § 15002(b)(2) of the CARES Act, I specifically find, on my own motion, 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

Procedure still cannot be conducted in person in this judicial district without seriously jeopardizing public health and safety; and

**NOW THEREFORE**, it is hereby

**ORDERED** that, pursuant to § 15002(b)(3) of the CARES Act, the Third Order is extended for 90 days from the date of this Order unless terminated earlier. Specifically, it is hereby

**ORDERED** that, pursuant to § 15002(b)(1) of the CARES Act, videoconferencing, or teleconferencing if videoconferencing is not reasonably available, is authorized for use for the following criminal proceedings, with the consent of the defendant, or the juvenile, after consultation with counsel:

- Detention hearings under Section 3142 of Title 18, United States Code;
- Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure;
- Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure;
- Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure;
- Arraignments under Rule 10 of the Federal Rules of Criminal Procedure;
- Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure;
- Pretrial release revocation proceedings under Section 3148 of Title 18, United States Code;
- Appearances under Rule 40 of the Federal Rules of Criminal Procedure;
- Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure; and
- 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;

and it is further

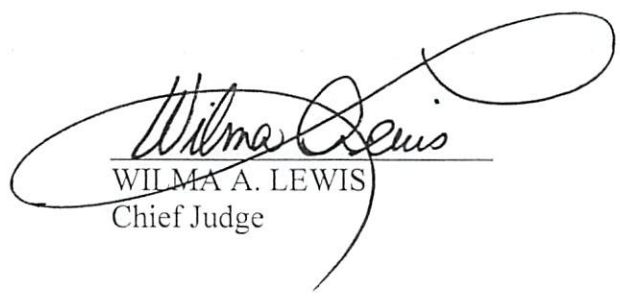
**ORDERED** that, pursuant to § 15002(b)(2) of the CARES Act, if a district judge in a particular case finds for specific reasons that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use videoconferencing, or teleconferencing if

videoconferencing 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 § 15002(b)(2)(B), with the consent of the juvenile after consultation with counsel; and it is further

**ORDERED** that, pursuant to § 15002(b)(3) of the CARES Act, if 90 days from the date of this Order, the President's 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. Such review will occur not less frequently than 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.

**SO ORDERED.**

Date: July 8, 2020



WILMA A. LEWIS  
Chief Judge