



**WHEREAS**, in the CARES Act Orders, the undersigned 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 CARES Act Orders, as Chief Judge and pursuant to § 15002(b)(2) of the CARES Act, the undersigned 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 light of the serious public health concerns and resulting impact on court operations that COVID-19 presented during the periods covered by the CARES Act Orders, the Court entered numerous other Orders that embodied precautionary and preventive measures aimed at reducing exposure to COVID-19 and slowing the spread of the disease, including, *inter alia*, the continuance of all civil and criminal bench and jury trials, except any that could be conducted remotely; the limitation of in-person court proceedings to those required by law and not amenable to continuance; and the conduct of videoconference and teleconference proceedings to the greatest extent practicable and permitted by law; and

**WHEREAS**, although in the Court's Eleventh Order entered on September 30, 2020, the Court lifted certain restrictions on the conduct of in-court proceedings, the Court nonetheless recognized the "continuing danger and threat to public health and safety that COVID-19 poses;" "the unpredictability and uncertainty of [the pandemic's] impact in the [Virgin Islands] at any given time;" and the need for the "continued implementation of precautionary and preventive measures previously imposed;" and

**WHEREAS**, in the Eighth Order—the second of the CARES Act Orders—the undersigned ordered that pursuant to § 15002(b)(3) of the CARES Act, the Eighth 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 Eighth Order and determine whether it should be extended; and

**WHEREAS**, on this day, October 6, 2020, the 90th day after the entry of the Court’s Eighth Order, the President’s emergency declaration and the Judicial Conference’s finding remain in effect; and

**WHEREAS**, as Chief Judge, the undersigned continues 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, the undersigned specifically finds, on my own motion, that in this judicial district, 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, with certainty, be conducted in person without seriously jeopardizing public health and safety, in view of the continuing impact and unpredictability of the pandemic as reflected in the Court’s General Orders; and

**NOW THEREFORE**, it is hereby

**ORDERED** that, pursuant to § 15002(b)(3) of the CARES Act, the Court’s Third Order entered on April 19, 2020, as renewed and extended by the Court’s Eighth Order entered on July 8, 2020, is renewed and extended to the fullest extent permitted by law 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

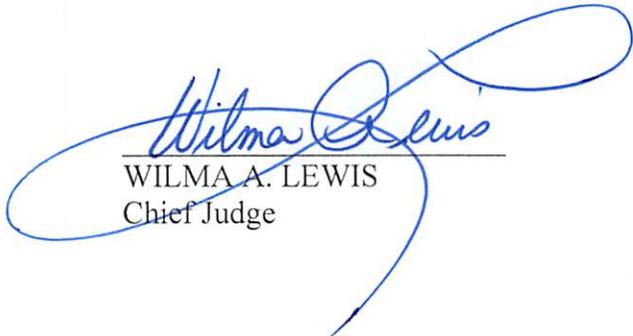
**ORDERED** that, pursuant to § 15002(b)(2) of the CARES Act, if a district judge in a particular case finds for specific reasons that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant 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: October 6, 2020



\_\_\_\_\_  
WILMA A. LEWIS  
Chief Judge