

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

IN RE:

CORONA VIRUS (COVID19) PUBLIC  
EMERGENCY

Misc. No. 20-0088 (GAG)

**ORDER**

Congress has passed legislation 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 COVID-19 emergency. See CARES Act, H.R. 748.

The Judicial Conference of the United States has also found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally.

Therefore, pursuant to the authority granted to a Chief Judge of a District under § 15002(b)(1) of the CARES Act, I authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, with the consent of the defendant, for all the following events listed in Section 15002(b)(1) of the legislation:

- (A) Detention hearings under 18 U.S.C. § 3142.
- (B) Initial appearances under Fed. R. Crim. P. 5.
- (C) Preliminary hearings under Fed. R. Crim. P. 5.
- (D) Waivers of indictment under Fed. R. Crim. P. 7(b).
- (E) Arraignments under Fed. R. Crim. P. 10.
- (F) Probation and supervised release revocation proceedings Fed. R. Crim. P. 32.1
- (G) Pretrial release revocation proceedings under 18 U.S.C. § 3148.
- (H) Appearances under Fed. R. Crim. P. 40.
- (I) Misdemeanor pleas and sentencings as described Fed. R. Crim. P. 43(b)(2).
- (J) Proceedings under 18 U.S.C. §§ 5031-5043 (chapter 403, commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

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Pursuant to Section 15002(b)(2), I further specifically find 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 cannot be conducted in person in this district without seriously jeopardizing public health and safety.

As a result, if a judge in an individual 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 video conferencing, or teleconferencing if video conferencing 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 Section 15002(b)(2)(B).

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, I will review this authorization and determine whether to extend it.

This order shall take effect immediately. All existing Standing Orders of this court remain in full force and effect.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 31<sup>st</sup> of March 2020.



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Gustavo A. Gelpí  
Chief, US District Judge