

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN RE:

CORONA VIRUS (COVID19) PUBLIC
EMERGENCY

Misc. No. 20-0088 (GAG)

**SECOND AMENDED ORDER EXTENDING AUTHORIZATIONS
UNDER §15002(b)(1) OF THE CARES ACT**

On March 31, 2020, the Court issued an *Order*, pursuant to §15002(b)(1) of the Coronavirus Aid, Relief and Economic Security (“CARES”) Act, H.R. 748, allowing the use of video conferencing, or telephone conferencing if video conferencing was not reasonably available, with the consent of the defendant, for a series of criminal case hearings during the current COVID-19 emergency.¹

On June 24, 2020 and September 21, 2020, respectively, due to the continuing public health and safety conditions related to the COVID-19 pandemic in Puerto Rico, its impact on the District Court’s operations, and upon a careful review of the previously granted authorizations under §15002(b)(1), the Court issued an *Order* granting a 90-day extension of such authorizations² for all the events and scenarios listed in the Court’s March 31, 2020 *Order*.³ The extension *Orders* took effect on Monday, June 29, 2020 and September 28, 2020, respectively.

The CARES Act requires that 90 days after the above authorizations under §15002(b)(1) expire, the chief judge must “review the authorization and determine whether to extend the authorization.”⁴ If the authorization is extended, the chief judge must “review the extension of authority not less frequently than once every 90 days until the earlier of—(i) the date on which the

¹ See *In Re: Corona Virus (COVID19) Public Emergency*, Misc. No. 20-088 (GAG), ECF 13. In the *Order*, the Court also found 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 district without seriously jeopardizing public health and safety. Judges were therefore authorized in individual cases to use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in such case.

² See CARES Act, §15002(b)(3)

³ See *In Re: Corona Virus (COVID19) Public Emergency*, Misc. No. 20-088 (GAG), ECF 18 & 23.

⁴ See CARES Act, §15002(b)(3)(A)

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chief judge (or other judge or justice) determines the authorization is no longer warranted; or (ii) the date on which the emergency authority is terminated under paragraph (5).”⁵

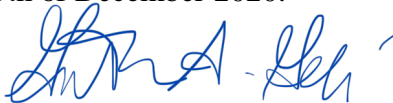
Since the public health and safety concerns related to the COVID-19 pandemic in Puerto Rico continue to impact the District Court’s operations, and upon careful review of the previously granted authorizations under §15002(b)(1), I grant a new 90-day extension, unless terminated earlier,⁶ for all the events and scenarios listed in the Court’s March 31, 2020 *Order*.

This order shall take effect on Monday, December 28, 2020. If emergency conditions continue to exist, at the end of the 90-day period, I again will review this authorization and determine whether to extend it.

All existing Standing Orders of this court remain in full force and effect.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 15th of December 2020.



Gustavo A. Gelpí
Chief, US District Judge

⁵ See §15002(b)(3)(B).

⁶ See §15002(b)(3)