

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN RE:

CORONA VIRUS (COVID19) PUBLIC
EMERGENCY

Misc. NO. 20-0088 (RAM)

**SIXTH 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, for a series of criminal proceedings during the current COVID-19 emergency.^{1 2}

Due to the continuing public health and safety conditions related to the COVID-19 pandemic, its impact on the District Court’s operations, and upon a careful review of the previously granted authorizations under §15002(b)(1) of the CARES Act, the Court issued several *Orders* granting a 90-day extension of the March 31, 2020 Order³. The latest of these is set to expire on December 22, 2021.

The CARES Act requires that 90 days after the authorization under §15002(b)(1) is issued, the chief judge must “review the authorization and determine whether to extend it.”⁴ If 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 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 by the Judicial Conference of the United States.”⁵

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 was not reasonably available, for the felony plea or sentencing in such case.

² Consent of defendant is required for some criminal proceedings.

³ See Orders from June 24, 2020, September 21, 2020, December 15, 2020, March 22, 2021, June 18, 2021 and September 14, 2021, respectively. See also CARES Act, §15002(b)(3) and *In Re: Corona Virus (COVID19) Public Emergency*, Misc. No. 20-088 (GAG), ECF 18, 23, 29, 32, 36 & 40.

⁴ See CARES Act, §15002(b)(3)(A)

⁵ See CARES Act §15002(5).

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

This order shall take effect on Thursday December 23, 2021. If emergency conditions continue to exist, at the end of the 90-day period, this authorization will be reviewed and extended accordingly.

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

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 16th of December 2021.



Raúl M. Arias-Marxuach
Chief Judge

⁶ See §15002(b)(3)