

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENERAL ORDER 21-2
MARCH 23, 2021

IN RE: CORONAVIRUS PUBLIC EMERGENCY

FIFTH SUPPLEMENTAL ORDER CONCERNING
VIDEO AND TELEPHONE CONFERENCING FOR CRIMINAL PROCEEDINGS

SAYLOR, C.J.

Based on the finding of the Judicial Conference of the United States that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601 *et seq.*) with respect to the Coronavirus Disease 2019 (COVID-19) will materially affect the functioning of the federal courts generally, as Chief Judge of the United States District Court for the District of Massachusetts, upon motion duly made and granted, I hereby authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for certain criminal proceedings as authorized by the CARES Act, Pub. L. 116-136, 134 Stat. 281.

1. Events to Which This Order Applies. This order applies to the following events:

- (A) Detention hearings under section 3142 of title 18, United States Code.
- (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
- (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
- (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.

- (G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code.
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (J) 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.

2. Consent of Defendant Required. Such videoconferencing or telephone conferencing may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.

3. Duration of Authorization. This authorization shall continue for 90 days from March 23, 2021, the effective date of this Order, or the date that the emergency authority has been terminated by act of the President or the Judicial Conference of the United States, whichever is earlier, unless extended pursuant to law. If emergency conditions continue to exist 90 days from the effective date of this Order, I will review this authorization and determine whether to extend it.

So Ordered.

Dated: March 23, 2021

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court