

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:
VIDEO AND TELECONFERENCES
IN CRIMINAL PROCEEDINGS UNDER
THE CORONAVIRUS AID, RELIEF AND
ECONOMIC SECURITY ACT

No. 20-MC-00004-12

ADMINISTRATIVE ORDER

This matter comes before the Court, on its own Motion, regarding the procedures for conducting video and telephone conferences in criminal proceedings under the “Coronavirus Aid, Relief, and Economic Security Act,” H.R. 748 (the “Act”). The Act authorizes Federal Courts to use video or telephone conferencing for certain criminal matters, provided: (a) each defendant consents to the use of such equipment, after consulting with counsel; and (b) the Judicial Conference finds emergency conditions caused by COVID 19 will materially affect the functioning of the Courts. The Judicial Conference made an emergency declaration covering the District of New Mexico on March 29, 2020. In accordance with Sec. 15002(b)(1) of the Act, the Court hereby authorizes the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for the following matters:

- (D) Waivers of indictment under Fed. R. Crim. P. 7(b)¹;
- (E) Arraignments under Fed. R. Crim. P. 10;
- (F) Probation and supervised release revocations under Fed. R. Crim. P. 32.1;
- (G) Pretrial release revocations under 18 U.S.C. § 3148;
- (H) Appearances under Fed. R. Crim. P. 40; and

¹ To avoid confusion, this Order adopts the enumeration for various hearings as used in the Act.

- (J) Federal Juvenile Delinquency Act proceedings under 18 U.S.C. § 403, except for contested transfer hearings and juvenile delinquency or trial proceedings.

The Court does not adopt the provisions of the Act for the following matters:

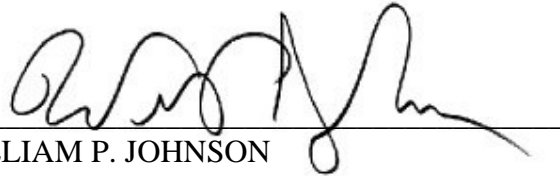
- (A) Detention hearings under 18 U.S.C. § 3142;
- (B) Initial appearances under Fed. R. Crim. P. 5;
- (C) Preliminary hearings under Fed. R. Crim. P. 5.1; and
- (I) Misdemeanor pleas and sentencings as described in Fed. R. Crim. P. 43(b)(2).

These matters enumerated above as A, B, C, and I shall continue to proceed in accordance with the Federal Rules of Criminal Procedure and are not subject to the Act.

In accordance with Sec. 15002(b)(2) of the Act, the Court also finds that, depending on the location and circumstances surrounding the proceeding, certain felony pleas under Fed. R. Crim. P. 11 and felony sentencings under Fed. R. Crim. P. 32 cannot be conducted in person without seriously jeopardizing public health and safety. In the event a felony plea or sentencing presents a serious risk to health and safety, the presiding judge has discretion to use video conferencing, or telephone conferencing if video conferencing is not reasonably available. If the presiding judge elects to use video or telephone conferencing in a felony case, he or she must also make a finding that the plea or sentencing cannot be further delayed without serious harm to the interests of justice.

This Order applies to both juvenile and adult criminal cases. It will remain in effect until the Judicial Conference finds that emergency conditions no longer materially affect the functioning of the Court. However, if the Judicial Conference fails to terminate its emergency declaration within 90 days from the entry of this Order, the Court will review the video conference authorization and determine whether to extend the provisions herein.

IT IS SO ORDERED this 30th day of March, 2020.

A handwritten signature in black ink, appearing to read 'W.P. Johnson', is written over a horizontal line.

WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE

Notices

[1:20-mc-00004 Administrative Orders](#)

U.S. District Court

District of New Mexico - Version 6.2.4

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