IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF:
VIDEO AND TELECONFERENCES IN FELONY   No. 22-MC-00004-43
GUILTY PLEA PROCEEDINGS BEFORE
MAGISTRATE JUDGES UNDER THE
CORONAVIRUS AID, RELIEF AND
ECONOMIC SECURITY ACT

<u>**ADMINISTRATIVE ORDER**</u>

This Order supersedes Administrative Order 22-MC-00004-29.

Consistent with this District's longstanding practices and procedures, and pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and Fed. R. Crim. P. 59(a) and the powers conferred therein, this Court has renewed its referral of all guilty plea proceedings in felony criminal matters in the District of New Mexico to be conducted by a United States Magistrate Judge for the District of New Mexico. *See* Administrative Order No. 20-MC-00004-13, filed 3/31/2020. The Court also has authorized the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for certain felony pleas under Fed. R. Crim. P. 11 under specified circumstances in accordance with Sec. 15002(b)(2) of the "Coronavirus Aid, Relief, and Economic Security Act," H.R. 478 (the "Act"). *See* Administrative Order No. 22-MC-00004-42 at 2, filed 09/21/2022.

In the event a defendant has consented to having a magistrate judge preside over his or her guilty plea as outlined in Administrative Order No. 20-MC-00004-13, the magistrate judge becomes the "presiding judge" for that guilty plea proceeding as that term is used in the Act. After the magistrate judge has received the defendant's consent to preside over his or her guilty
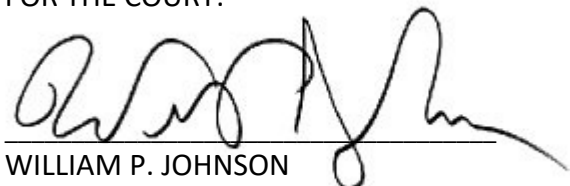
plea, the presiding judge (hereinafter referred to as the "presiding magistrate judge") has discretion to use video conferencing, or telephone conferencing if video conferencing is not reasonably available, based on this Court's finding that certain felony pleas under Fed. R. Crim. P. 11 cannot be conducted in person without seriously jeopardizing public health and safety. *See* Administrative Order No. 22-MC-00004-42 at 2. If the presiding magistrate judge elects to use video or telephone conferencing in a felony case, he or she must also make a finding that the guilty plea cannot be further delayed without serious harm to the interests of justice.

In accordance with the Act, this Order will remain in effect until the Judicial Conference finds that emergency conditions no longer materially affect the functioning of the Court.

WHEREAS, the effective period of Administrative Order 22-MC-00004-29 expires on September 17, 2022 and the Judicial Conference has not yet terminated its emergency declaration, the Court has reviewed its video conference authorization and determined the need to extend the provisions herein for an additional 90 days. If the Judicial Conference fails to terminate its emergency declaration within 90 days from the entry of this Order, the Court will review this authorization and determine whether to extend these provisions further.

IT IS SO ORDERED, effective, nunc pro tunc, September 17, 2022.

FOR THE COURT:

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WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE

U.S. District Court

United States District Court - District of New Mexico

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