

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
ENTERED

September 7, 2022

Nathan Ochsner, Clerk of Court

By Deputy Clerk 

GENERAL ORDER NO. 2022-16

CARES ACT AUTHORIZATION FOR §
VIDEO AND AUDIO CONFERENCING §
IN CRIMINAL PROCEEDINGS §

TENTH SUPPLEMENTAL CARES ACT AUTHORIZATION FOR VIDEO
AND AUDIO CONFERENCING IN CRIMINAL PROCEEDINGS ORDER


Acting under § 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, as Chief Judge of the United States District Court for the Southern District of Texas, I make the following findings and enter the following Order:

1. The COVID-19 virus continues to affect the functioning of the courts within this judicial district. Under the authority of § 15002(b)(1) of the CARES Act, I authorize judges in this district, with the consent of the defendant after consultation with counsel and a waiver of personal appearance made on the record, to use video conferencing – or telephonic conferencing if video conferencing is not reasonably available – for 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 (the “Federal Juvenile Delinquency Act”), except for contested transfer hearings or trial proceedings.
2. Under § 15002(b)(2) of the CARES Act, I further find that in felony cases, pleas under Rule 11, and sentencings under Rule 32 of the Federal Rules of Criminal Procedure may in some cases be more safely and efficiently handled by video conference or telephone conference. If judges in individual cases find, for specific reasons stated on the record in those cases, that felony pleas or sentencings in those cases cannot be further delayed to permit in-person appearances without serious harm to the interests of justice, judges may, with the consent of the defendant after consultation with counsel and a waiver of personal appearance stated on the record, conduct those proceedings by video conference or by telephone conference if video conferencing is not reasonably available.
3. This authorization is effective beginning September 24, 2022, and will expire on December 23, 2022, unless earlier terminated. If the declared pandemic lasts past December 23, 2022, the court will consider an extension of authority under the CARES Act. In any event, this authority will terminate on the earlier of the last day of the declared pandemic period or the date when the Judicial Conference of the United States finds that conditions from the COVID-19 declaration under the National Emergencies Act no longer materially affect the functioning of the courts within this district.

None of these provisions precludes jury trials or other in-person proceedings.

ORDERED this the 7th day of September, 2022.



LEE H. ROSENTHAL
CHIEF JUDGE