

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENERAL ORDER 21-3
MARCH 23, 2021

IN RE: CORONAVIRUS PUBLIC EMERGENCY

FIFTH SUPPLEMENTAL ORDER CONCERNING VIDEO AND
TELEPHONE CONFERENCING FOR FELONY PLEAS AND SENTENCING

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, and pursuant to the CARES Act, Pub. L. 116-136, 134 Stat. 281, as Chief Judge of the United States District Court for the District of Massachusetts, upon motion duly made and granted, I hereby specifically find 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 cannot be conducted in person in the District of Massachusetts without seriously jeopardizing public health and safety.

- 1. Finding of District Judge Required.** If the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available.

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 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