

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
THIRD AMENDED GENERAL ORDER 20-0022

IN RE: CRIMINAL CASE PROCEDURES DURING COVID-19 PUBLIC HEALTH EMERGENCY

Given the public health emergency arising from the COVID-19 pandemic, and consistent with guidance and orders from federal executive authorities, the State of Illinois, and local governments, it is hereby ORDERED:

1. Grand juries shall continue to meet, with reasonable limits on grand jury sessions imposed by the Court in consultation with the U.S. Attorney's Office.
2. Except as provided in General Order 21-003, under Federal Rule of Criminal Procedure 4.1, a judge may review by reliable electronic means, rather than in person, a complaint, application for search warrant or trap/trace/pen register, application for wiretap, or application for any other warrant or order.
3. Motions for release from pretrial or presentence and motions seeking modification of an imposed term of imprisonment (compassionate release or a First-Step-Act sentence reduction) under 18 U.S.C. § 3582(c)(1)(A) must be filed only on the docket of the criminal case. If the motion is an emergency, parties may contact the emergency judge through the procedures posted on the court's website.
4. Under Section 15002(b)(1) of the CARES Act, Pub. L. 116-136, 134 Stat. 281, and on the Chief Judge's motion, the Court authorizes the use of videoconferencing, or teleconferencing if videoconferencing is not reasonably available, for the following proceedings, so long as the defendant gives written or verbal consent after consultation with counsel:
 - a. Detention hearings under 18 U.S.C. § 3142;
 - b. Initial appearances under Criminal Rule 5;
 - c. Preliminary hearings under Criminal Rule 5.1;
 - d. Waivers of indictment under Criminal Rule 7(b);
 - e. Arraignments under Criminal Rule 10;
 - f. Probation and supervised release revocation hearings under Criminal Rule 32.1;
 - g. Pretrial release revocation hearings under 18 U.S.C. § 3148;
 - h. Appearances under Criminal Rule 40;

- i. Misdemeanor pleas and sentencings under Criminal Rule 43(b)(2); and
 - j. Juvenile proceedings under Title 18, Chapter 403, except for contested transfer hearings, juvenile delinquency adjudication, or trial proceedings.
5. A defendant who does not object to detention shall, before the scheduled detention hearing, notify the presiding judge orally (through counsel) or in writing that the defendant has no objection to detention. The decision to not object is without prejudice to the defendant's right to later challenge detention and seek pretrial release.
 6. On the Chief Judge's motion, pursuant to Section 15002(b)(2) of the CARES Act, the Court finds 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 this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).
 7. Pursuant to Section 15002(b)(3) of the CARES Act, this authorization for video and teleconferencing in criminal cases will remain in effect until April 5, 2021, unless terminated earlier. If emergency conditions continue to exist on April 5, 2021, the Chief Judge will review this authorization and determine whether to extend it.

ENTER:

FOR THE COURT:


Chief Judge

Dated at Chicago, Illinois this 12th day of February 2021