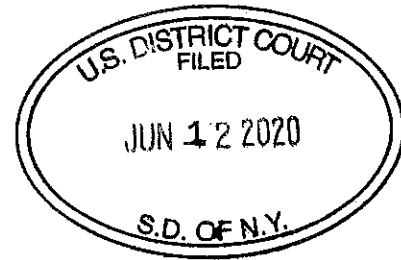


20 MISC 196

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: CORONAVIRUS/COVID-19 PANDEMIC

THIS MATTER RELATES TO: Extension of Time
Under the Speedy Trial Act



M10-468

SECOND AMENDED
STANDING ORDER

WHEREAS, the emergency brought on by the spread of the coronavirus and COVID-19 has not yet ended; and

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities continue to advise the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease; and

WHEREAS, the City of New York, in which two of this district's three courthouses are located, did not move into Reopening Phase I, which involves the return to work of only a limited number of persons, until Monday, June 8; and

WHEREAS, statements by public officials suggest that New York City may not move into reopening Phase II, which would allow a somewhat larger number of persons to access the courthouses, until sometime during the month of July; and

WHEREAS, while the Northern Counties of this district are presently operating at reopening Phase II, certain essential operations at the Charles Briant Courthouse in White Plains require coordination with staff in the New York City courthouses, which are reopening more slowly and are at limited capacity; and

WHEREAS, as a precautionary measure for the health of both inmates and

Executive Branch personnel, the United States Bureau of Prisons is still not permitting pre-trial detainees to travel off their housing units, and insists on quarantining for 14 days any pre-trial detainee who is brought to the courthouse for the conduct of proceedings; and

WHEREAS, in light of the above, it remains impossible to conduct criminal proceedings in the courthouses of the Southern District of New York; and

WHEREAS, given current conditions, and the necessary lead time to call and assemble a venire, it will be impossible to assemble venires for jury service in the Southern District of New York until September at the earliest, and perhaps not then;

NOW, THEREFORE the United States District Court for the Southern District of New York issues the following order:

1. The Daniel Patrick Moynihan United States Courthouse and the Thurgood Marshall Courthouse in Manhattan, Charles L. Bricant United States Courthouse in White Plains, and United States Courthouse in Poughkeepsie will reopen to the public for business in accordance with the court's COVID Reentry Plan.

2. The court will proceed to Reentry Phase I (certain staff return to work at the courthouses, which remain open for business but generally closed to members of the public) on Monday, June 15, 2020.

3. No dates have been set for proceeding to Phases II, III or IV of the Rentry Plan. Movement between phases will be a function of public health conditions and orders affecting the City of New York and the Lower Hudson regions

of the state.

4. Because it is not yet possible to call venires, all civil and criminal jury trials remain suspended until further order of the court.

5. Compliance with all trial-specific deadlines in civil and criminal cases shall be at the discretion of the presiding judge.

6. Individual judges presiding over civil and criminal proceedings may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

7. Existing grand juries will continue in operation.

8. The time period of any continuance that must be entered as a result of this order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. Absent further order of the Court or any individual judge, the period of exclusion attributable to this Standing Order shall be from June 15, 2020 to September 8, 2020. The Court may further extend the period of exclusion as circumstances may warrant.

9. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Any motion by a criminal defendant seeking an exception to this order in order to exercise that right should be directed to the District Judge assigned to the matter in the first

instance; provided, however, that no such exception may be ordered without the approval of the Chief Judge after consultation with the assigned judge.

10. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion, consistent with this order.

11. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable.

12. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, shall take place in the ordinary course, using remote procedures upon the making of a finding that in-person proceedings cannot be held.

13. The Clerk's Office, the District Executive's Office, Pre-Trial Services, Probation, the Bankruptcy Court, and all other Court services shall remain open, with staff beginning to report for duty at the courthouse, as instructed by the Unit Executives, effective June 15, 2020. Staff not ordered to report will continue to work remotely.

Entered at New York, New York, this 11th day of June, 2020

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "P. Allen M. ...", written over a horizontal line.

Chief Judge