

FILED

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

IN RE: THIRD FURTHER EXTENSION OF
POSTPONED COURT PROCEEDINGS
DUE TO ONGOING EXIGENT
CIRCUMSTANCES CAUSED BY COVID-
19 PANDEMIC

Standing Order No. 20-62 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of ongoing circumstances relating to the Coronavirus Disease 2019 (COVID-19) pandemic, including the circumstances detailed in this Court's prior Standing Orders¹, consultation with the U.S. Attorney's Office for the District of Columbia, the Federal Public Defender's Office for the District of Columbia, the United States Marshals Service, and others, and given that: (a) the District of Columbia's COVID-19 positive case counts, though generally decreasing, have seen a slight uptick in recent days²; (b) the District of Columbia entered its second phase of reopening on June 22, 2020, which includes limiting gatherings to no more than 50 individuals, continued social distancing requirements of six feet, and other capacity restrictions and limitations on businesses³; and (c) this Court continues to prepare for the resumption of in-person court proceedings by making necessary modifications to courtrooms to

¹ See *In Re: Court Operations in Exigent Circumstances Created by the Covid-19 Pandemic*, Standing Order No. 20-9 (BAH) (March 16, 2020), ¶¶ (a)–(f); *In Re: Extension of Postponed Court Proceedings in Standing Order 20-9 and Limiting Court Operations in Exigent Circumstances created by the COVID-19 Pandemic*, Standing Order No. 20-19 (BAH) (April 2, 2020), ¶¶ (g)–(i), and *In Re Further Extension of Postponed Court Proceedings in Standing Order 20-8 and Limiting Court Operations in Exigent Circumstances Created by the COVID-19 Pandemic*, Standing Order No. 20-20 (BAH), May 26, 2020.

² *Coronavirus Data*, GOVERNMENT OF THE DISTRICT OF COLUMBIA (July 7, 2020), <https://coronavirus.dc.gov/page/coronavirus-data>.

³ *Phase Two*, GOVERNMENT OF THE DISTRICT OF COLUMBIA (July 7, 2020), <https://coronavirus.dc.gov/phasetwo>.

allow for appropriate physical distancing as well as taking other precautions in accordance with public health and safety guidance;

It is hereby **ORDERED** that the provisions of Standing Order 20-29, ¶¶ 1, 6 and 11, pertaining to Court and Clerk's Office operations and public access to proceedings remain in effect, and that the other provisions of Standing Order 20-29 are superseded in the following respects:

1. **Jury Selections and Trials**. All civil and criminal petit jury selections and jury trials scheduled to commence before **September 8, 2020** are POSTPONED and CONTINUED pending further Order of the Court.
2. **Speedy Trial Act Exclusion For Postponed Criminal Trials**. In Standing Orders 20-9, 20-19, and 20-29, this Court found that due to the exigent circumstances created by the COVID-19 pandemic, the time period from **March 17, 2020 through August 1, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* Due to the ongoing circumstances, as detailed above, and because the failure to postpone jury trials until at least **September 8, 2020** would likely make continuation of a case impossible or result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i), the Court now finds that the additional time period from **August 1, 2020 through September 8, 2020** is excluded under the Speedy Trial Act as the ends of justice served by the continuances to protect public health and safety and the fair trial rights of the defendant outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The presiding Judge in any criminal case for which a jury trial is postponed under this Order may make any additional findings

and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial.

3. **In-Person Proceedings Other Than Jury Trials.** All other in-person civil, criminal and bankruptcy proceedings in this Court, including court appearances, non-jury trials, hearings, settlement conferences, and misdemeanor, traffic and petty offense dockets, scheduled to occur before **August 17, 2020** are POSTPONED and will be scheduled for a later date, unless the presiding Judge in an individual case issues an order directing that a particular proceeding will be held by teleconference or videoconference on or before **August 17, 2020**. Authority to conduct certain criminal proceedings via teleconference or videoconference is provided by Standing Orders 20-17 and 20-54, *In Re: Use Of Video Teleconferencing And Teleconferencing For Certain Criminal And Juvenile Delinquency Proceedings*, (March 30, 2020 and June 26, 2020).
4. **Speedy Trial Act Exclusion For Postponed Criminal Proceedings Other Than Trials.** In Standing Orders 20-9, 20-19, 20-29, this Court found that due to the exigent circumstances created by the COVID-19 pandemic, the time period from **March 17, 2020 through July 15, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The Court now finds that due to the ongoing exigent circumstances and considerations above, for criminal proceedings further postponed under paragraph 3, the time period from **July 15, 2020 through August 17, 2020** will be excluded as the Court finds that the ends of justice served by the additional continuances to protect public health and safety outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The presiding Judge in any criminal case for which a proceeding is postponed under this Order may

make additional findings and exclude additional time, as necessary and appropriate, regarding the new date for such proceeding.

5. **Grand Juries.** Grand jury sessions were suspended in this District from March 17, 2020 through June 29, 2020, pursuant to Standing Orders 20-09, 20-19, 20-29. Although grand jury sessions resumed in this District as of the week of June 29, 2020 on a limited schedule, certain sessions have been cancelled due to the inability to obtain a quorum of grand jurors present.
6. **Speedy Trial Act Exclusion For Filing of Indictments.** Pursuant to Standing Orders 20-9, 20-19, and 20-29, and due to the considerations referenced therein, which made it “unreasonable to expect return and filing of [an] indictment within the period specified in section 3161(b),” 18 U.S.C. § 3161(h)(7)(B)(iii), and the unavailability of a grand jury in this District arising from the suspension of grand jury sessions in the interest of public health and safety, the 30-day time period for filing an indictment, under 18 U.S.C. § 3161(b), was TOLLED for the time period from **March 17, 2020 through July 15, 2020**, unless the requisite quorum of grand jurors was obtained to consider a matter, in which event the time period was TOLLED to the time earlier than July 15, 2020 when the grand jury met to consider a matter. *See also* 18 U.S.C. § 3161(h)(7)(A). The Court now finds that given the availability of grand juries in this District, a further extension of the general tolling order is not warranted at this time. The government may make application to this Court for an order tolling time in which to file a specific indictment in a specific matter based upon the failure to obtain a quorum in a scheduled grand jury session.

7. **Statute of Limitations Unaffected.** This Order does not toll any applicable statute of limitations.
8. **Naturalization Ceremonies:** In order to follow public health and safety guidance regarding the size of gatherings and appropriate physical distancing, naturalization ceremonies at the Courthouse have been postponed until further order of the Court, with authority granted to the United States Citizenship and Immigration Services (USCIS) to administer the oath of allegiance administratively during this public health crisis. *See In the Matter of: The Temporary Suspension of Exclusive Authority To Administer the Oath of Allegiance to New Citizens*, Standing Order 20-13 (BAH) (March 23, 2020). This Court expects to resume conducting naturalization ceremonies as of **August 17, 2020**.
9. **Further Orders.** Further orders addressing court operations in the exigent circumstances created by the COVID-19 pandemic will be issued as circumstances warrant.

SO ORDERED.

Date: July 9, 2020



Beryl A. Howell

BERYL A. HOWELL
Chief Judge