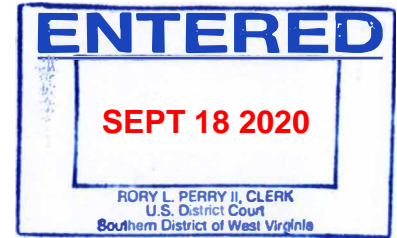


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

Miscellaneous Case No. 2:20-mc-00052



**IN RE: COURT OPERATIONS IN LIGHT OF
THE EXIGENT CIRCUMSTANCES
PRESENTED BY THE COVID-19 PANDEMIC**

GENERAL ORDER #9

Since March 13, 2020 a series of General orders have been entered modifying court operations in light of the exigent circumstances created by the COVID-19 pandemic. From that time through June 30, 2020, petit jury trials and most grand jury meetings were postponed. By General Order #7 entered on June 25, 2020, petit jury trials and grand jury matters were permitted to resume in light of the status of the presence of COVID-19 in the community and taking into account guidance from public health authorities. Since that time, several jury trials and grand jury meetings have occurred throughout the district, with safety protocols in place intended to minimize the possibility that participants may be exposed to the virus.

The Court adopts its previous findings on this matter contained in the prior orders. The Court further finds that over the past few weeks, the presence of the virus in the community has increased. According to figures available from the West

Virginia Department of Health and Human Resources as well as other public health authorities, daily positive case counts have increased significantly, hospitalizations and deaths have increased, and a majority of the counties that comprise the Southern District of West Virginia are considered to be at a higher risk level for indoor in-person activities. The Court is mindful of the need to use a cautious approach to resuming court activities, paying careful attention to the extent of community spread. Petit jury trials and grand jury meetings, in particular, require large groups of individuals from throughout the district to travel and assemble indoors, often in close proximity to each other. Other court proceedings that involve fewer individuals may continue to be conducted remotely using videoconferencing and other technologies, or, in the discretion of the presiding judicial officer, may be conducted in-person in accordance with social distancing and other safety guidelines.

IT IS THEREFORE ORDERED, effective September 21, 2020, that all civil and criminal petit jury selections and trials scheduled to commence before any district or magistrate judge in the Southern District of West Virginia are CONTINUED until further order of the Court. Resumption of petit jury trials and grand jury meetings will be carefully considered after reviewing the status of community spread in the District and the recommendation of state and national public health authorities; and it is further

ORDERED that with regard to criminal trials, due to the Court's reduced ability to obtain an adequate spectrum of petit jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be

present in the courtroom, the time period of the continuances implemented by this Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A); and it is further

ORDERED grand jury meetings currently scheduled for the remainder of the month of September and the month of October are CONTINUED until further order or the Court; and it is further

ORDERED that beginning on September 21, 2020, all other civil and criminal proceedings in the U.S. District Court for the Southern District of West Virginia, may be conducted in-person in the discretion of the presiding judicial officer, provided that the in-person proceeding is conducted in a manner that complies with social distancing and other safety guidelines. The courtrooms of the district are all marked with social distancing locations, and the presiding judicial officer has authority and discretion to require the participants and officials who are present at any in-person court proceeding to comply with any additional precautions that are deemed necessary under the circumstances. Where practical, presiding judicial officers may continue the use of existing videoconferencing and other technologies to conduct court proceedings in accordance with prior directives of the Court; and it is further

ORDERED that the mask-wearing requirements of General Order #8 remain in full force and effect, and the courthouse entry restrictions set forth in General Order #2 remain in full force and effect, and it is finally

ORDERED that the United States Marshal, his Deputies, and the Court Security Officers shall enforce this order and deny entry to those individuals not wearing a mask.

SO ORDERED this 18th day of September, 2020.



THOMAS E. JOHNSTON, CHIEF JUDGE