

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**ORDER EXTENDING CARES
ACT AUTHORIZATION**

**ADM-1
ORDER 22-9**

ADMINISTRATIVE ORDER

Since the first announced case in New Hampshire on March 2, 2020, the state has reported 298,362 confirmed cases of COVID-19. New Hampshire currently has 4,785 confirmed cases, 2,531 deaths have been attributed to the disease in this state, and community-based transmission has been long-confirmed. Nationally, the number of confirmed cases has grown to over 84,474,347 with 1,007,841 cases resulting in death.¹

On March 27, 2020, the President signed legislation authorizing the use of video and telephonic conferencing, for specified criminal case events and with the consent of the defendant, during the course of the COVID-19 emergency. See CARES Act, H.R. 748. The Judicial Conference of the United States has also found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally.

On March 30, 2020, this court made the necessary findings to authorize the use of the CARES Act to conduct video and telephonic criminal hearings in Standing Order ADM-1, Order 20-12, which are incorporated by reference. The CARES Act requires that every 90 days the local court evaluate whether emergency conditions continue to support the authorization to conduct criminal hearings by video or telephonic conference. With respect to felony pleas and sentencings, the statute requires the court find it cannot conduct those proceedings in person without seriously jeopardizing public health and safety. In Standing Order 22-5, the court issued its eighth 90 day extension of the CARES Act authorization to June 9, 2022.

The court finds that the emergency conditions caused by COVID-19 continue to exist and that public health and safety would be seriously jeopardized were the court to order that all plea and sentencing hearings occur in person. Until the emergency conditions improve, the court will, therefore, continue to permit criminal hearings, including plea and sentencing hearings, to occur by video with the defendant's consent. Thus, the court extends this authorization for an additional 90 days to September 7, 2022. Prior to the expiration of this authorization, the court will determine whether emergency conditions continue to exist that justify a further extension of this authority.

¹ The New Hampshire statistics are taken from the New Hampshire Department of Health and Human Services COVID-19 website (<https://www.nh.gov/covid19/>). The national statistics are taken from the John Hopkins University of Medicine Coronavirus Resource Center website (<https://coronavirus.jhu.edu/>).

This order supersedes paragraph 1 of ADM-1, 20-25, and prior orders authorizing the use of the CARES Act, effective June 9, 2022.

SO ORDERED.

Date: June 3, 2022

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya B. McCafferty
Chief Judge