

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

IN RE:

JURY TRIALS AND IN-PERSON PROCEEDINGS
DURING THE OUTBREAK
OF CORONAVIRUS DISEASE (COVID-19)

GENERAL ORDER

This General Order is being issued in response to the increased community transmission of the Coronavirus Disease (COVID-19) throughout the United States and specifically the Western District of Missouri. The outbreak of COVID-19 has become more severe in the United States and this district than at any previous point. *See generally, Trends in Number of COVID-19 Cases in the US Reported to CDC, by State/Territory*, Ctrs. for Disease Control & Prevention, <https://bit.ly/2TJYhRB> (last visited Nov. 12, 2020); *Show Me Strong Recovery Plan*, Missouri Dep't of Health, <https://showmestrong.mo.gov/data/statewide-public-health/> (last visited Nov. 12, 2020). And experts warn that these numbers will continue to increase if the public does not strictly follow guidance of the Centers for Disease Control including limiting public gatherings, wearing masks and maintaining social distance.

Despite the safety controls previously ordered, the outbreak has reached a point the Court cannot draw a venire panel, select a jury or try a case to completion in a manner consistent with the parties' rights to a fair cross-section of the community or due process. Further, the Court has a responsibility to mitigate the effects of the pandemic on the public and large numbers of in-person hearings will inhibit the Court's ability to meet such responsibility. Therefore, it is ORDERED that:

1. Effective immediately, all civil and criminal (grand and petit) jury selections and jury trials scheduled to commence before any district or magistrate judge in the

Western District of Missouri between today and January 4, 2021 are hereby CONTINUED;

2. All cases set on the November 30, 2020 Joint Criminal Jury Trial Docket, where no motion for continuance has been filed, are hereby CONTINUED to the Joint Criminal Jury Trial Docket of January 4, 2021. In granting this continuance, the Court finds that health concerns related to COVID-19 dictate that gatherings of people be limited, which counsels against summoning jurors for jury service. Moreover, prospective jurors may be reluctant to jeopardize their health and appear under these circumstances, which will hamper the Court's ability to ensure that a fair cross section of the community is summoned. These realities negatively impact the fair administration of justice and the rights of defendants; those interests and concerns, coupled with the public health interests at stake, outweigh the interests of each defendant's right to and the public's interest in a speedy trial. Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the time period of continuances through January 15, 2021 shall be excluded when computing the time within which trial must commence.
3. Criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings, and the issuance of warrants, will continue to take place in the ordinary course. To the extent possible, such hearings will be conducted via videoconference;
4. All non-emergency criminal and civil hearings are CONTINUED until January 4, 2021. However, individual judges may continue to hold such hearings, conferences, and bench trials in the exercise of his or her discretion as may be necessary to ensure the fairness of the proceedings and to preserve the rights of the parties.
5. Where appropriate, parties are encouraged to file a motion requesting felony guilty pleas and sentencings be held via videoconference pursuant to the CARES Act, H.R. 748. Further, the Court will entertain motions to order pre-plea Presentence Reports;
6. This Order does not affect the Court's consideration of criminal or civil motions that can be resolved without oral argument;

7. Bankruptcy hearings through January 4, 2021, will be conducted by telephone or continued based on the circumstances and in the discretion of the judge. At the discretion of the Judge bankruptcy trials may be conducted in-person;
8. All courthouses and offices in the Western District of Missouri will remain open for business. The public counters at all locations are open to the public from 10:00 a.m to 2:00 p.m. These hours are subject to change without notice. Drop boxes are available in each courthouse for public filings. Electronic filings may still be made through CM/ECF. For current information on Court operation, please consult the Court's website at <https://www.mow.uscourts.gov/>; and
9. This General Order is effective November 13, 2020 at 5:00 p.m.

IT IS SO ORDERED.

DATE: November 13, 2020

/s/ Beth Phillips
BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT