

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

IN RE: COURT OPERATIONS IN RESPONSE TO COVID-19	) ) ) )	<i>Amended Standing Order</i> Misc. Number: 3:20-mc-139
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Due to the continuing and evolving COVID-19 national public health emergency and the resulting necessary modifications of court operations, the Court finds it appropriate to amend the March 16, 2020 Standing Order (*see* Misc. No. 3:20-mc-00105-RBH) to extend various continuance dates and account for subsequent Standing Orders that have been issued (*see* Misc. No. 3:20-mc-00122-RBH; Misc. No. 3:20-mc-00129-RBH).<sup>1</sup> Accordingly, the Court issues the following order, effective immediately:

1. All civil and criminal jury selections, jury trials, and roster meetings scheduled to commence through July 5, 2020, are CONTINUED (i.e., postponed) pending further order of the Court.
2. All grand jury proceedings scheduled through July 5, 2020, are CONTINUED, unless otherwise ordered by the Chief Judge.
3. Existing deadlines in civil cases, whether set by the court or by the Federal Rules of Civil Procedure or Local Rules, are not further extended by this Order. Any judge has the inherent authority to extend any deadlines in his or her cases. This Order does not toll any applicable statutes of limitation.
4. Unless otherwise ordered by the Presiding Judge, all civil matters scheduled for an in-court appearance through July 5, 2020, are CONTINUED, unless the matter is resolved by the court without a hearing, or can be addressed via video or telephone conferencing where practical.

As for criminal proceedings, on April 2, 2020, pursuant to the CARES Act (H.R. 748), the Court entered a Standing Order Regarding Video Teleconferencing and Telephone Conferencing (*see* Misc. No. 3:20-mc-00129-RBH), which allows certain criminal proceedings to occur by video or telephone conferencing if a criminal defendant consents. Where a statute or rule requires a defendant's presence within a certain time, and where video or telephone conferencing cannot be accomplished (i.e., failure of a defendant to consent or otherwise), then applicable initial criminal proceedings are to be conducted in person to satisfy constitutional and statutory requirements. Other criminal proceedings are continued until July 5, 2020.

5. Individual judges presiding over criminal proceedings may take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

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<sup>1</sup> The Court incorporates the public health concerns previously summarized in the March 16, 2020 Standing Order.

6. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the above-referenced public health considerations associated with criminal jury trials and grand jury proceedings, the time period of the continuances implemented by this Standing Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweighs the best interest of the public and each defendant's right to speedy indictment or trial. The Court may extend the period of exclusion as circumstances may warrant.
7. Case-by-case exceptions to the continuances provided herein may be ordered for non-jury matters by the Presiding Judge after consultation with counsel, such as emergency civil and criminal matters. To the extent possible, judges should stagger their court hearings as much as possible to minimize the number of people coming into the courthouses.
8. This order does not affect the Court's consideration of civil or criminal motions that can be resolved without court appearance.
9. The Probation Office shall remain open unless otherwise ordered by the Court.
10. Regarding the District Clerk's Office, the Court hereby incorporates the provisions of its March 31, 2020 Standing Order In Re: District Clerk's Office Operations in Response to COVID-19 (see Misc. No. 3:20-mc-00122-RBH).

The Court will vacate or amend this Standing Order as necessary and appropriate.

**IT IS SO ORDERED.**

DATED this 10th day of April 2020.

  
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R. Bryan Harwell  
Chief U.S. District Judge