

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**FIFTH GENERAL ORDER REGARDING
CONTINUITY OF OPERATIONS DURING CORONAVIRUS PANDEMIC**

This General Order regarding the continuity of operations is the fifth issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19). By [General Order dated June 29, 2020](#), the Court found that because of the threat to public health and safety presented by public gatherings, the Court is unable to safely summons and convene an adequate cross-section of jurors and there is uncertainty as to the ability of parties, counsel, witnesses, court staff, and judges to attend criminal and civil trials. In light of the continued guidance from the Centers for Disease Control and other health authorities and given the continued escalation of the COVID-19 pandemic, the Court finds that:

1. The U.S. Courthouse building at One Exchange Terrace and the portion of the John O. Pastore Building (“Pastore Building”) occupied by the Court will remain closed to the public until further notice.
2. All permanent employees should continue to maximize telework to the extent possible and may consult with their supervisor about returning to the Courthouse to conduct limited duties provided that provisions of this Court’s General Order on Building Visitation and Access Restrictions are met.
3. All persons entering the Courthouse and in public areas, elevators, bathrooms and courtrooms for an in-person proceeding, jury trial or grand jury session, shall at all times

wear a face covering or mask that covers their noses and mouths and shall adhere to the provisions of this Court's General Order on Building Visitation and Access Restrictions.

4. All criminal petit jury selection and trials are continued to January 2021. The Court finds that the ends of justice served by ordering the continuance of all criminal petit juries outweighs each defendant's right to and the public's interest in speedy trial. Therefore, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding judge in each case.
5. The Court will begin civil trials in October and begin limited in-person hearings in November provided that all safety protocols established by the Task Force on Reopening the Court are satisfactory met.
6. The U.S. Attorney may continue to convene the grand jury provided that all safety protocols established by the Task Force on Reopening the Court are satisfactory met. If a quorum cannot be reached due to the unavailability of the grand jury, the 30-day time period for filing an indictment is tolled as to each defendant until this General Order terminates. *See* 18 U.S.C. § 3161(b).
7. Having reviewed the authorization to conduct video and telephonic conferencing pursuant to the CARES Act and finding that emergency conditions caused by COVID-19 continue to exist, the court extends this authorization as outlined in this Court's [Amended General Order Regarding Criminal Matters During the Coronavirus Pandemic](#) dated March 30, 2020 for an additional 90 days. If emergency conditions continue to exist 90 days from the entry of this order, the court will again review this authorization and determine whether to extend it.

This order will remain in effect until December 30, 2020, unless terminated earlier. At such time, if emergency conditions continue to exist, the Court will determine whether to extend it.

IT IS SO ORDERED.

By the Court:

September 22, 2020

/s/ John J. McConnell Jr., Chief Judge