

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE:

Case No.: 2:20-mc-3-38FtM

CORONAVIRUS PUBLIC EMERGENCY

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**AMENDED ORDER CONCERNING JURY TRIALS AND OTHER PROCEEDINGS**

As the Centers for Disease Control and Prevention (CDC) and other public health authorities have advised taking precautions to reduce exposure to the coronavirus and to slow the spread of COVID-19, the Court issues this Order to protect public health, reduce the size of public gatherings, and prevent unnecessary travel. Because of the current escalation of COVID-19 cases in the counties that comprise the Fort Myers Division of the Middle District of Florida, the United States Courthouse and Federal Building in Fort Myers (which includes the Bankruptcy Court and Probation and Pretrial Services) will remain open for business, subject to these limitations:<sup>1</sup>

1. The prior moratorium on jury trials is extended. Effective immediately, all jury trials in the Fort Myers Division scheduled to begin before August 31, 2020 are continued pending further order of the Court. The Court may issue other orders about future continuances as appropriate.

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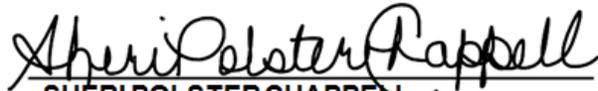
<sup>1</sup> The Chief U.S. District Judge for the Middle District of Florida extended the use of video teleconferencing or telephone conferencing for certain criminal matters under § 15002(b) of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) until September 25, 2020, noting “[t]he present pandemic remains a national public health emergency” and the Judicial Conference of the United States has not found that “emergency conditions due to the national emergency . . . no longer materially affect operation of either the federal courts generally or the Middle District of Florida.” See *In re: The Nat’l Emergency Declared on March 13, 2020*, No. 8:20-mc-25, Doc. 2 (M.D. Fla. June 29, 2020).

2. All trial-specific deadlines in criminal cases scheduled to begin before August 31, 2020 are continued pending further order of the Court. Individual judges may continue trial-specific deadlines in civil cases in the exercise of discretion.
3. Individual judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
4. The Court is cognizant of the right of criminal defendants to a speedy and public trial, and the application of that right in cases against defendants detained pending trial. Any motion by a criminal defendant seeking an exception to this Order to exercise that right should be directed to the District Judge assigned to the matter.
5. The time period of any continuance entered because of this Order is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. The current escalation of COVID-19 cases in the counties that comprise the Fort Myers Division of the Middle District of Florida is not consistent with the CDC guidelines regarding gating criteria of a 14-day decline in reported cases to begin to recommence government functions, including in-person court proceedings that require the calling of prospective jurors. Absent further order of the Court or any individual judge, the period of exclusion is from the

date of this Order to **September 30, 2020**. The Court may modify the period of exclusion as circumstances warrant.

6. Individual judges will continue to conduct hearings, conferences, and bench trials in the exercise of discretion, consistent with this Order.
7. Judges are strongly encouraged to conduct court proceedings by telephone or video conference where practicable.
8. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and search-warrant requests, shall continue to take place in the ordinary course.
9. Grand juries shall continue to meet as directed by the United States Attorney's Office pending further order of the Court. Absent emergencies, additional Grand Jury empanelment will be postponed pending further order of the Court.
10. The Clerk's Office, Probation Office, Bankruptcy Court, and all other Court services in the Fort Myers Division shall remain open pending further order of the Court. Consult these offices directly for more information.

**DONE AND ORDERED** in Fort Myers, Florida on this 1st day of July 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

Hon. Steven Merryday, Chief District Judge  
Hon. Caryl Delano, Chief Bankruptcy Judge  
All Fort Myers Division Judges  
James T. Skuthan, Acting Federal Defender  
Roger B. Handberg, Criminal Chief, U.S. Attorney's Office  
Elizabeth M. Warren, Clerk of Court