

United States District Court

District of Maine

In Re:)
)
COURT OPERATIONS UNDER)
THE EXIGENT CIRCUMSTANCES)
CREATED BY THE COVID-19) GENERAL ORDER 2020-15
CORONAVIRUS & RELATED)
PANDEMIC PRECAUTIONS)

GENERAL ORDER

This General Order is the fifteenth issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*. This General Order addresses the resumption of grand jury proceedings. The Court hereby adopts and incorporates the findings made in the Court's previous General Orders as to the threat to public health and safety presented by the COVID-19 pandemic.

The Court previously tolled the 30-day time period for filing an indictment as to charges not heard and determined by the grand jury through October 30, 2020. *See* General Order 2020-12, entered July 20, 2020. Beginning in July 2020, the Court convened several limited sessions of the grand jury in Bangor and Portland. However, the current exigent circumstances have required that grand jury sessions be no more than a few hours in length and generally no longer than a single day. Prior to the COVID-19 pandemic, the Bangor and Portland grand juries would have met more frequently than they have to date, and the Government would have had more time to present a far greater number of cases to the grand jury. Based on the Court's experience to date, the extent to which the Court will be able to obtain a quorum of grand jurors to participate in grand jury sessions at either or both court locations in the months ahead is uncertain.

Accordingly, I find that the 30-day time period for filing an indictment as to all criminal charges that cannot be heard and determined by a federal grand jury in the District of Maine must be tolled until either normal grand jury operations in this District resume and the allegations involving pre-indictment defendants can be considered, or until January 31, 2021, whichever comes first. In addition, I find that the ends of justice served by taking this action outweigh the best interests of the public and the defendant to a speedy trial because, under the present exigent circumstances, the filing of an indictment within the time period specified in 18 U.S.C. § 3161(b) is unreasonable. *See* 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iii)-(iv).

Having carefully considered all of the applicable criteria under 18 U.S.C. § 3161(h)(7)(B)(i)-(iv), it is ORDERED:

Due to the unavailability of an adequate number of grand jurors and grand jury sessions in this District, the 30-day time period for filing an indictment is tolled as to all charges not heard and determined by the grand jury from October 30, 2020 or thereafter until normal grand jury operations in this District resume and the allegations involving the pre-indictment defendant can be considered, or until January 31, 2021, whichever comes first. *See* 18 U.S.C. § 3161(b) and (h)(7)(A).

Continuances in Criminal Cases. For every continuance entered in a criminal case pursuant to this General Order or a prior General Order, the time period of the continuance 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. The Court finds that the ends of justice served by taking such action outweigh the interests of the parties and the public in a speedy trial. The presiding Judge may enter an order excluding the time until the resumption of normal grand jury operations in this District or until January 31, 2021, whichever comes first, and may extend or modify the period of exclusion as circumstances may warrant.

Effectiveness; Termination: This General Order supersedes any of the other Court's General Orders about pre-indictment Speedy Trial time, takes effect at 11:59 p.m. on October 30, 2020, and shall remain in effect until 11:59 p.m. on January 31, 2021.

SO ORDERED.

Dated: October 23, 2020

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE