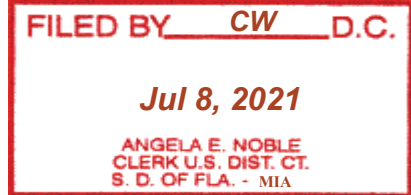


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2021-65



IN RE: CORONAVIRUS PUBLIC EMERGENCY

ORDER CONCERNING CRIMINAL MATTERS AND THE SPEEDY TRIAL ACT

This Order is issued in conjunction with Administrative Orders 2021-50, 2021-33, 2021-12, 2020-76, 2020-53, 2020-41, 2020-33, 2020-24, 2020-21 and 2020-18, which limited in-court appearances and continued all jury matters. Accordingly, the United States District Court for the Southern District of Florida issues the following instructions concerning criminal matters and the Speedy Trial Act:

1. 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.
2. The Court is cognizant of the right of criminal defendants to speedy and public trials under the Sixth Amendment, and the application of that right in cases involving defendants who are 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 the matter in the first instance.
3. The time period of any continuance entered as a result of this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. section 3161(h)(7)(A), as the Court finds the ends of justice served by taking that action outweigh the interests of the parties and the public in speedy trials. Absent further Order of the Court or any individual Judge, the period of

exclusion shall be from March 30, 2020 to September 6, 2021. This Order and its period of exclusion are incorporated by reference as a specific finding pursuant to 18 U.S.C. section 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies. *See Zedner v. United States*, 547 U.S. 489, 506–07 (2006). The period of exclusion in the Court’s prior Administrative Orders on this subject (2021-50, 2021-33, 2021-12, 2020-76, 2020-53, 2020-41, 2020-33, 2020-24, 2020-21 and 2020-18) are likewise incorporated by reference as a specific finding under 18 U.S.C. section 3161(h)(7)(A) in the record of each case where the Speedy Trial Act applies.

4. In its most recent Administrative Order suspending all criminal jury trials until July 19, 2021 (2021-50), the Court reaffirmed the right of criminal defendants to speedy and public trials under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Nonetheless, the Court found that the ends of justice served by excluding the time between March 30, 2020, near the start of the pandemic, and July 19, 2021, outweighed the interests of the parties and the public in speedy trial. Likewise, now, even though some criminal jury trials are resuming in limited fashion, the Court finds the ends of justice are served by extending again this period of exclusion and outweigh the interests of the parties and the public in speedy trials.

5. Approximately 703 criminal cases are currently awaiting jury trials in this District. Given the limited availability of Court and juror resources, and continued exigent circumstances created by the pandemic, it remains generally unreasonable to expect all defendants to be tried imminently; an additional period of exclusion will promote the safe and orderly administration of justice. Again, the additional period of exclusion shall be for the period from July 19, 2021 until September 6, 2021.

6. In all other respects, Administrative Order 2021-50 remains in full force and effect.

DONE AND ORDERED in Chambers at Miami, Florida, this 8th day of July, 2021.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

- c: Honorable William H. Pryor, Jr., Chief Judge, Eleventh Circuit
All Southern District of Florida District Judges, Bankruptcy Judges and Magistrate Judges
James Gerstenlauer, Circuit Executive, Eleventh Circuit
Juan Antonio Gonzalez, Acting United States Attorney
Gadyaces Serralta, United States Marshal
Michael Caruso, Federal Public Defender
Angela E. Noble, Court Administrator • Clerk of Court
Joe Falzone, Clerk, Bankruptcy Court
Consuelo Irimia, Chief Probation Officer
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