

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:

**EXPANDED USE OF ELECTRONIC :
SIGNATURES DUE TO THE EXIGENT : STANDING ORDER
CIRCUMSTANCES CREATED BY COVID-19 :**

WHEREAS, public health authorities have advised, and continue to advise, public and private agencies to continue to take necessary and appropriate precautions to reduce the possibility of exposure to the novel coronavirus (COVID-19) and slow the spread of the disease;

WHEREAS, on April 17, 2020, the Court issued a revised a Standing Order postponing all civil and criminal trials, but noting that the Court remains open for judicial business and permitting judicial officers to hold hearings, including sentencing, change of plea hearings, and bench trials, in their sound discretion;

WHEREAS, on April 1, 2020, the Court issued a Standing Order in response to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) authorizing the use of videoconferencing or teleconferencing for various criminal case events;

WHEREAS, certain Federal Rules of Criminal Procedure, such as Rules 10(b)(2), 15(c)(1)(A), 20(a)(1), 23(a)(1), 32(e), and 43(b)(2), allow for consent or waiver of certain rights by a defendant, but require that such consent or waiver be in writing;

WHEREAS, various documents used in criminal proceedings, including but not limited to financial affidavits, appearance bonds, orders for release, waivers of indictment, and plea agreements, call for the signature of defendants, counsel, and/or judges;

WHEREAS, the current circumstances, including the increased usage of video and

telephone conferencing, likely make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner;

NOW, THEREFORE, IT IS ORDERED that where a judge finds that obtaining an actual signature is impracticable or imprudent in light of the public health situation relating to COVID-19, any document may be signed electronically.

IT IS FURTHER ORDERED that where a criminal defendant's signature is required, defense counsel or the presiding judge may sign on the defendant's behalf if the defendant, after an opportunity to consult with counsel, consents.

IT IS FURTHER ORDERED that where consent or waiver is not explicitly required to be in writing by the Federal Rules of Criminal Procedure or other applicable law, such consent or waiver may be obtained in whatever form is most practicable under the circumstances, so long as the defendant's consent or waiver is clearly reflected in the record.

SO ORDERED:

April 29, 2020
Wilmington, Delaware

/s/ Leonard P. Stark
Leonard P. Stark
Chief, United States District Judge