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ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/23/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA,

- against -

NACHMAN HELBRANS, MAYER ROSNER, and ARON ROSNER,

Defendant(s).

----------x

SCHEDULING ORDER

No. 19 Cr. 497-01 (NSR)
No. 19 Cr. 497-02 (NSR)
No. 19 Cr. 497-03 (NSR)

ROMÁN, D.J.:

In light of the recent Coronavirus Disease 2019 ("COVID-19") pandemic affecting New York, and given the directives provided by the Chief Judge of the United States District Court for the Southern District of New York to limit in-person court appearances due to the risk presented by COVID-19, it is hereby

ORDERED that the above case is scheduled for **Status Conference via teleconference on March 4, 2021 at 3:00 pm.**

To access the teleconference, please follow these directions: **(1) Dial the Meeting Number: (877) 336-1839; (2) Enter the Access Code:1231334#; (3) Press pound (#) to enter the teleconference as a guest.**

Prior to the teleconference, each Defendant's counsel shall either obtain from their respective Defendant a written or oral waiver of appearance and consent for counsel to proceed telephonically either with or without Defendant present by telephone. If counsel cannot obtain a written waiver from Defendant, counsel must provide an affidavit confirming counsel has obtained Defendant's consent. The affidavit must establish that counsel (1) consulted with Defendant regarding his or her right to be present at all conferences, (2) discussed with Defendant the current public health emergency created by the COVID-19 pandemic and the restrictions to courthouse access that have been implemented as a result, and (3) obtained Defendant's consent to willingly and voluntarily give up his or her right to be present

at conferences for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic.[1] The affidavit shall be e-filed with the Court no later than one (1) day before the scheduled teleconference.

In preparation for and while engaging in a teleconference, please follow these guidelines:

1. Use a landline whenever possible.

2. Use handset rather than speakerphone.

3. Identify yourself each time you speak.

4. Be mindful that, unlike in a courtroom setting, interrupting can render both speakers unintelligible.

5. **Mute** when not speaking to eliminate background noise, i.e., dog barking, kids playing, sirens, papers shuffling, emails pinging, drinking, breathing. It all comes through. This will also prevent interruptions.

6. Avoid voice-activated systems that don't allow the speaker to know when someone else is trying to speak and they cut off the beginning of words.

7. Spell proper names.

8. Have judge confirm reporter is on the line.

9. If someone hears beeps or musical chimes, that means someone has either come in or left the conference. Please be aware that the judge may need to clarify that the reporter has not lost the line. (This has happened before, and the reporter had to dial back in and tell the judge the last thing that the court reporter transcribed.)

Pro se Defendant Helbrans's standby counsel is directed to mail a copy of this Order to Defendant and file proof of service on the docket.

SO ORDERED.

Dated: White Plains, New York
February 23, 2021

Hon. Nelson S. Román, U.S.D.J.

1 Please see attached sample form as a reference.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------X
UNITED STATES OF AMERICA

-v-

,
Defendant.
----------X

WAIVER OF RIGHT TO BE PRESENT AT CRIMINAL PROCEEDING

-CR- ( ) ( )

Check Proceeding that Applies

____ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that**:**

1) I have received and reviewed a copy of the indictment.
2) I do not need the judge to read the indictment aloud to me.
3) I plead not guilty to the charges against me in the indictment.

Date: _____
Signature of Defendant

_____
Print Name

____ Conference Date:_____

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I

request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date: _____
Signature of Defendant

_____
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date: _____
Signature of Defense Counsel

_____
Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: