UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF NORTH CAROLINA

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| UNITED STATES OF AMERICA  v.  JOSHUA RISARD GRAVES | Case No. 1:16CR299-1  **[PROPOSED] ORDER** |

THIS MATTER appearing before the Court on Defendant Joshua Risard Graves’s Emergency Motion for Immediate Release, ECF No. 41, the Court, having considered the Motion and the arguments therein, having weighed the rights of the parties and the protection of the public, and having taken judicial notice of the following facts:

* Since the Defendant was ordered detained by Magistrate Judge Joi Peake on January 16, 2020, there has been an extraordinary change in circumstances, namely a deadly outbreak of the novel coronavirus, which causes COVID-19;
* On March 10, 2020, Governor Cooper declared a state of emergency due to the risks posed by the coronavirus;
* On March 11, 2020, the World Health Organization officially classified COVID-19 as a pandemic;
* On March 16, 2020, President Trump recommended, in order to stem the spread of the coronavirus, that all Americans engage in social distancing and avoid gatherings of more than ten people;
* As of March 19, 2020, the new strain of the coronavirus has infected over 222,600 people, leading to 9,115 deaths globally, with confirmed cases having doubled in just the last two weeks;
* Conditions of confinement may make preventing the spread of the coronavirus in jails and prisons much more difficult than among the general public;
* Other countries, including China and Iran, have experienced rapid spread of coronavirus through jail and prison populations;
* This Court has entered Standing Order 13, continuing criminal cases to a date on or after April 16, 2020, and urging judges to consider continuing supervised release proceedings until a date as soon as safety permits;
* Mr. Graves’s violations, while serious, do not arise from criminal activity or mandate revocation of release;
* If this Court does order revocation of release, the Sentencing Guidelines would recommend a sentence on each violation of between three and nine months, to be served concurrently;
* Mr. Graves already has served two months and ten days on the violations of his release;
* Should this Court conclude that safety does not permit the revocation hearing to be held on April 6, 2020, as scheduled, Mr. Graves could end up serving a sentence longer than the Court otherwise would impose, before this Court has the opportunity to hear evidence or determine whether revocation is warranted; and
* Mr. Graves’s parents, Richard and Melisa Graves, have agreed to serve as third party custodians and ensure his compliance with any conditions of release and his appearance in Court;

HEREBY ORDERS, ADJUDGES, and DECREES that Defendant Joshua Graves’s Emergency Motion for Immediate Release is hereby GRANTED. Joshua Graves is ordered to be released immediately to the custody of his parents, Richard and Melisa Graves, pending his appearance at the revocation hearing, scheduled for April 6, 2020, subject to the same conditions of release as previously imposed.

This the \_\_\_\_\_ day of March, 2020.

LORETTA C. BIGGS

United States District Judge