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MAR 24 2020

COLUMBIA CO. DISTRICT COURT  
DAYTON MUNICIPAL COURT

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**COLUMBIA COUNTY DISTRICT COURT  
DAYTON MUNICIPAL COURT**

IN THE MATTER OF: )  
)  
COURT OPERATIONS )  
CREATED BY PUBLIC HEALTH )  
EMERGENCY IN WASHINGTON )  
STATE )  
)  
)  
)

NO. 2020-03

**AMENDED  
ADMINISTRATIVE ORDER**

**WHEREAS**, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and

**WHEREAS**, on March 13, 2020, President Trump declared a national emergency due to the novel coronavirus disease (COVID-19) outbreak across the United States; and

**WHEREAS**, during this state of emergency, the Center for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and have encouraged vulnerable individuals to avoid public spaces; and

**WHEREAS**, consistent with these recommendations, Governor Inslee has banned gatherings of more-than fifty people and ordered all schools, businesses, faith-based organizations, and other public venues to close during the ongoing public health emergency and the CDC has recommended restricting gatherings to no more than 10 people; and

1           **WHEREAS**, many Washington courts have already taken steps necessary to protect  
2 public health while ensuring continued access to justice and essential court services, (See  
3 Administrative Order No. 2020-002 entered in this Court on March 18, 2020); and

4           **WHEREAS**, the Supreme Court of Washington has entered Order No. 25700-B-607, to  
5 allow the presiding judges across Washington to effectively administer their courts in  
6 response to this state of emergency, including the authority to adopt, modify, and suspend  
7 court rules and orders, and as warranted to address the emergency conditions; and

8           **WHEREAS**, this Court desires to amend its Administrative Order No. 2020-20 to be in  
9 compliance with Washington Supreme Court Amended Ordered 25700-B-607;

10  
11           **NOW, THEREFORE, EFFECTIVE MARCH 23, 2020 UNTIL THIS ORDER IS**  
12           **RESCINDED, IT IS HEREBY ORDERED:**

- 13  
14           1) **CLERK’S**: The Court will maintain regular hours of operation unless otherwise  
15 amended by further order and notice to the Administrative Office of the Courts. The  
16 Court encourages all parties to make payments online, over the phone or through the  
17 mail. The Clerks will continue to accept filings and provide copies of documents via  
18 email, subject to the provisions of this Order, unless and until the court determines that it  
19 is necessary to close the Courthouse.
- 20           2) **PARTY SIGNATURES**: The court will not require any defendant's signature on court  
21 orders. Instead, the order and docket will note how the party received notice and copy of  
22 any applicable order. Counsel, if a party is represented, shall be responsible for delivering  
23 court orders to the party.
- 24           3) **INFRACTIONS**: All currently scheduled in-person infraction hearings will be continued  
25 to a date certain no sooner than March 31, 2020. The court finds good cause pursuant to  
26 IRLJ 6.1 and CRLJ 6 for such continuances. Anyone with a pending infraction will  
27 continue to have the option to submit written responses online or by email or mail for  
28 mitigation matters. Anyone who desires a contested hearing will be required to appear on  
a date and time set by the court. Anyone who receives a notice of infraction is still

1 required to respond to the notice of infraction within fifteen (15) days of the date the  
2 notice is personally served or, if the notice is served by mail, within eighteen (18) days of  
3 the date the notice is mailed. Individuals can respond by mail, by delivering their  
4 response to the Clerks' area, or by submitting their response online through the court's  
5 website.

6 4) IN-CUSTODY CRIMINAL HEARINGS: All in-custody hearings regarding pretrial  
7 release or other release from detention shall be by video conference from the jail. All  
8 other in-custody criminal hearings will be continued to a date certain no sooner than  
9 April 28, 2020. Counsel are encouraged, in cases where nothing is to take place other  
10 than continuing the hearing, to present agreed motions and orders for ex parte signature  
11 by the court.

12 5) OUT OF IN CUSTODY ARRAIGNMENTS: All out of custody arraignment shall be  
13 heard no later than 45 days after the filing of the applicable charge. Good cause exists  
14 under CrRLJ4.1 to extend the arraignment dates. The new arraignment date shall be  
15 considered the "initial commencement date" for purposes of establishing the time for trial  
16 under CrRLJ3.3(c)(1).

17 6) ALL OTHER CRIMINAL PROCEEDINGS: All other criminal matters shall likewise be  
18 continued to a date set by the court, or on or after April 28, 2020, except those motions,  
19 actions on agreed orders, conferences or other proceedings that can appropriately be  
20 conducted by telephone or other means that do not require in-person attendance. The  
21 court will accept agreed motions to continue without the defendant have to appear in  
22 court. The court also finds and concludes in accordance with CrRLJ 3.3(f) that all  
23 continuances granted or ordered by the court pursuant to this Amended Order are  
24 required in the administration of justice and further finds that good cause exists for such  
25 continuances and that criminal defendants will not be prejudiced in the presentation of  
26 their defense by any such continuances.

27 7) MONITORING AND POST-JUDGMENT SUPERVISION: Show cause hearings for  
28 active monitoring will continue to be filed but will be scheduled for no sooner than sixty

1 (60) days from the date of this Order, absent an emergency which warrants a sooner  
2 hearing.

3 8) CRIMINAL JURY TRIALS: Until further Order of this court, no criminal jury trials shall  
4 be called. All currently scheduled jury trials shall be continued by the court to a date  
5 certain no later than sixty (60) days from the currently scheduled trial date. If a  
6 defendant claims that his or her ability to present a defense will be compromised by such  
7 continuance, steps will be taken to remedy the situation, such as preserving testimony via  
8 deposition or other means. Based on the above-referenced Washington Supreme Court  
9 Amended Order, court rules, including by not limited to, CrRLJ 3.3 are suspended.

10 9) CONTINUANCES REQUIRED IN ADMINISTRATION OF JUSTICE: Continuance of  
11 criminal hearings and trial as provided in this Amended Order is required in the  
12 administration of justice. Based upon the court's finding that the serious danger posed by  
13 COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable  
14 circumstance under CrRLJ 3.3(e)(8), the time between the date of this Amended Order  
15 and the date of the next scheduled trial are EXCLUDED when calculating time for  
16 trial. CrRLJ3.3(e)(3)

17 10) CIVIL MATTERS: The court finds good cause to continue any currently set civil bench  
18 trials and small claims hearings 60 (sixty) days from its currently schedule date. The  
19 clerk will notify the parties of the new trial date. All civil motions or other hearings will  
20 be heard by the court at their regularly scheduled date and time, if such hearings can be  
21 conducted by telephone. Otherwise, such motions or other hearings will be rescheduled  
22 to a date certain no sooner than April 28, 2020.

23 11) BENCH WARRANTS: Bench warrants may be issued by the court for violations of  
24 conditions of release from now through April 28, 2020. However, the court will not issue  
25 bench warrants for failure to appear in person for court hearings or post-trial supervision  
26 meetings unless the court determines that it is necessary to do for the immediate  
27 preservation of public or individual safety.

28 12) CIVIL PROTECTION ORDERS: The court will continue to issue civil protection orders  
as appropriate, but the court will schedule all in-person hearings related to such orders to


1 a date set by the court, or on or after April 28, 2020. If any such matter must be heard by  
2 the court prior to April 28, 2020, such matter will be heard by telephone or other means  
3 that does not require in-person attendance, unless impossible. Where any such matters  
4 must be heard in person, social distancing and other public health measures must be  
5 strictly observed. Telephonic or other hearings required to be public shall be recorded,  
6 with the recording preserved for the record.

7 13) EX PARTE NO CONTACT ORDERS: The court may enter ex parte no contact orders  
8 pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW  
9 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed  
10 with the court and the court finds that probable cause is present for a sex offense,  
11 domestic violence offense, stalking offense, or harassment offense. Ex parte orders may  
12 be served upon the defendant by mail. This provision shall not relieve the prosecution of  
13 proving a knowing violation of such an ex parte order in any prosecution for violating the  
14 order. Good cause exists for the court to extend ex parte orders beyond the initial person  
15 until a hearing can be held.

16 14) GENERAL HYGIENE PRACTICES: all person entering the courthouse may be  
17 required by Court Security or the Clerks, to use hand sanitizer immediately upon entering  
18 the courthouse. All individuals who enter the courthouse shall practice the recommended  
19 six-foot social distancing recommendations by the public health authorities. Anyone who  
20 is complaining of, or exhibiting symptoms that could cause concern to the Court Security  
21 Officer or the Clerks shall be prohibited from entering the courthouse. Anyone who has  
22 business with the court who is experience or exhibiting symptoms of COVID-19 are  
23 encouraged to contact the court by phone or email and request a continuance of their  
24 court date, which will be routinely granted by the court during the time that this Order  
25 remains in effect.

1 This order may be modified consistent with the Court's continual assessment of the needs of  
2 the community as well as the recommendations of the public health officials.

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4 **DATED** this 24 day of March, 2020.

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8 G. Scott Marinella  
9 Presiding Judge  
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