

FILED

MAR 17 2020

TRISTEN WORTHEN
DOUGLAS COUNTY CLERK
WATERVILLE, WA
BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON
DOUGLAS COUNTY

IN THE MATTER OF THE RESPONSE)
BY DOUGLAS COUNTY SUPERIOR)
COURT TO THE PUBLIC HEALTH)
EMERGENCY IN WASHINGTON)
STATE)
_____)

No. *2020-5002-09-A*
EMERGENCY ADMIN. ORDER NO. 1

WHEREAS, on February 29, 2020, the State of Washington declared an emergency due to the public health emergency posed by the global pandemic known as coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 11, 2020, the State of Washington issued another Proclamation and Order banning gatherings of 250 people or more; and

WHEREAS, Whatcom County Superior Court by Administrative Order 20-2-00001-37 dated March 11, 2020, and Grays Harbor County Superior Court by General Order 2020-1 dated March 12, 2020 have made findings relative to the COVID-19 public health emergency and have limited or canceled jury trials in their respective courts; and

WHEREAS, King County Superior Court by Emergency Order #3, No. 20-0-12050-5, dated March 13, 2020 has entered similar and more extensive findings and has canceled all Superior Court jury trials through April 24, 2020; and

WHEREAS, additional superior courts, district courts and municipal courts from across the state of Washington have similarly adopted emergency administrative orders designed to deal with the COVID-19 public health emergency; and

WHEREAS, on March 13, 2020, the United States of America declared that a National Health Emergency exists due to COVID-19; and

WHEREAS, on March 13, 2020, the State of Washington ordered that all public schools K-12, must close from March 17, 2020 until at least April 27, 2020, for that same health emergency; and

EMERGENCY ADMIN. ORDER #1

- 1 3. The Court encourages attorneys and parties to schedule hearings prior to April 30,
2 2020 to take place by via telephone or to postpone hearings that are not time sensitive
3 until after April 30, 2020. However, such arrangements will need to be made well in
4 advance of the hearing through Court Administrator Jo Jackson
5 (jjackson@co.douglas.wa.us). The Court retains discretion over scheduling of all
6 hearings and reserves the right to cancel or postpone court hearings of any kind for
7 any reason.
- 8 4. In any event, no persons who appear sick or are at increased risk of serious COVID-
9 19 – whether attorneys, defendants or others – may appear in person at court hearings
10 in the Douglas County Superior Court. Attorneys who are unable to appear for this
11 reason shall make reasonable efforts to either appear via telephone, postpone their
12 hearings or arrange for other attorneys to cover their cases during hearings.

ADULT CRIMINAL CASES

- 13 5. The Douglas County Superior Court is obligated to ensure compliance with CrR 3.3,
14 CrR 4.1 and other applicable rules setting forth required timeframes in adult criminal
15 cases.
- 16 6. The Court, on its own motion, concludes that continuances in all criminal cases
17 currently scheduled for a jury trial during March and April 2020 are required in the
18 administration of justice.
- 19 7. All pending criminal jury trials in this court scheduled to begin during March or April
20 2020 shall be continued to a date after April 30, 2020. Each such case shall be set for
21 a Trial Setting hearing after April 30, 2020.
- 22 8. The Court finds that the serious danger posed by the virus COVID-19 is good cause
23 to continue criminal jury trials and constitutes an unavoidable circumstance affecting
24 the time for trial beyond the control of the court or of the parties pursuant to CrR
3.3(e)(8).
9. Based on the above finding of good cause to continue criminal jury trials due to
unavoidable circumstances, the Court Orders that the time between the entry of this
order and the next scheduled trial date is EXCLUDED when calculating time for trial.
(CrR 3.3(e)).

1 10. Based on the above, the Court Orders that the time between entry of this order and
2 April 30, 2020 is EXCLUDED when calculating time for speedy arraignment (CrR
3 4.1(a)).

4 11. All **out of custody** criminal matters shall be continued to after April 30, 2020. The
5 Court retains discretion to schedule such matters to be heard during a special set
6 hearing, however the regular Monday afternoon 1:30 p.m. criminal calendars are
7 hereby canceled through April 30, 2010.

8 12. Except as set forth in Section 13 below, all **in custody** criminal matters shall be
9 continued to after April 30, 2020, with the following exceptions:

- 10 a. Scheduling of first appearances, arraignments, plea and sentencing matters.
- 11 b. The Court retains discretion in the scheduling of these matters, except that the
12 following matters shall take priority:
 - 13 i. Pretrial release motions.
 - 14 ii. Plea hearings and sentencing hearings that result in the anticipated
15 release of the defendant within 30 days of the hearing.
 - 16 iii. Parties are not required to file motions to shorten time in scheduling
17 any of these matters.

18 13. The Court retains discretion to schedule special set hearings, limited to matters
19 approved by the Court, for **in custody** criminal matters. Such hearings will be
20 conducted via telephone or video only.

21 14. The Court finds that obtaining signatures from defendants for orders continuing
22 existing matters places significant burdens on attorneys, particularly public defenders,
23 and all attorneys who must enter correctional facilities to obtain signatures in person.
24 Therefore, for all matters covered in Sections 5 through 13, this Order serves to
continue those matters without need for further written orders. Additionally:

- 25 a. Defense counsel is not required to obtain signatures from defendants on orders
26 to continue criminal matters through April 30, 2020.
- 27 b. The Clerk is directed to provide notice of new hearing dates to defense
28 counsel and unrepresented defendants.
- 29 c. Defense counsel is directed to provide notice to defendants of new court dates.

1 15. No warrants shall issue for failure to appear at any criminal hearing from now
2 through April 30, 2020.

3 16. Motions for Pre-Trial Release:

- 4 a. The Court will generally agree to hear motions for pretrial release on an
5 expedited basis without requiring a motion to shorten time.
6 b. The Court finds that the COVID-19 crisis constitutes a “material change in
7 circumstances” under CrR 3.2(k)(1) and “new information” allowing
8 amendment of previous bail order or providing different conditions of release
9 under CrR 3.2(k)(1).
c. Parties may present agreed orders for release of in-custody defendants, and the
Court will make every effort to sign such orders expeditiously.

CIVIL CASES

10 17. Starting on March 24, 2020, civil cases heard on Tuesday 1:30 p.m. civil calendars
11 through April 30, 2020 shall be heard by telephone or without oral argument, at the
12 option of the moving party. If there is to be a hearing by telephone, the attorneys (or
13 parties, if unrepresented) are responsible for providing the Court Administrator
14 (jjackson@co.douglas.wa.us) the telephone number where he or she may be reached
15 when that particular case is called during the calendar. There will be no in-person
16 court hearings on the Tuesday 1:30 p.m. civil calendars except in the rare case of an
17 emergency or other urgent matter.

18 18. Pro se cases heard on the Tuesday 9:30 a.m. calendars (2nd and 4th Tuesdays) from
19 now through April 30, 2020 shall remain unchanged and will go forward at the
20 Waterville courthouse. Parties appearing at these hearings will be expected to adhere
21 to social distancing and other safety protocols.

22 19. Domestic violence cases heard on the Tuesday 1:00 p.m. calendars from now through
23 April 30, 2020 shall remain unchanged and will go forward in East Wenatchee on the
24 1st and 3rd Tuesdays and in Waterville on the 2nd and 4th Tuesdays. Attorneys and
parties appearing at these hearings will be expected to adhere to social distancing and
other safety protocols.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

26. Agreed orders are also encouraged in dependency cases.

AMENDMENT OF THIS ORDER

27. The Superior Court anticipates the need to amend and/or supersede this Order as the COVID-19 public health emergency continues to develop and more information becomes available.

DATED this 17th day of March, 2020.



Honorable Brian Huber
Superior Court Judge