

FILED
FERRY COUNTY

MAR 16 2020

DISTRICT COURT
REPUBLIC, WA 99166

FERRY COUNTY DISTRICT COURT
STATE OF WASHINGTON

IN THE MATTER OF)

EMERGENCY RESPONSE TO PUBLIC)

HEALTH THREAT)

ADMINISTRATIVE ORDER

NO. 20-01

WHEREAS, the governor of the State of Washington has declared a state of emergency concerning COVID-19 due to PUBLIC HEALTH CONCERNS and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-b-602, granting emergency authority to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and,

WHEREAS, this Court is committed to protecting the health, safety and security of our community as well as the Constitutional rights of the accused;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Based on the discretion granted by the Washington State Supreme Court, all in custody hearings, except sentencings and trials, shall be by video appearance. Counsel will be encouraged, in cases where nothing is to take place other than continuing the hearing or going to the next regularly scheduled hearing, to obtain the client's signature to such order and present it for ex parte signature by the court.

Any waiver of a defendant's speedy trial right shall be conducted on the record, with or without the Defendant's presence.

2. Arraignments will continue to be conducted in person except where a notice of appearance has been filed in non-DUI and non-domestic violence cases.
3. During the emergency closure, all jury trials shall be postponed until the June jury term. The court finds that the health emergency qualifies as a significant "interest of justice" in continuing a trial. If a defendant makes a claim that his or her ability to present a defense will be compromised, steps will be taken to remedy the situation, such as preserving testimony via deposition or other means. Based on the Washington State Supreme Court order, court rules, including but not limited to CrRLJ 3.3 are hereby suspended.
4. Notice of violations for active and bench probation may still be filed but scheduled outside of the projected emergency period, absent an emergency.
5. For full hearings on civil protection orders, the bench will extend in chambers any temporary orders in effect at the time of the currently scheduled full protection order hearing. The extended temporary order will need to be served on the respondent. To effect these continuances, the maximum length of a temporary order issued pursuant to RCW 10.14.080(2) (harassment), RCW 7.92.120(5) (stalking), and RCW 26.50.070(5) (domestic violence) shall be suspended. These full protection order hearings shall be continued approximately 28 days to a date as determined by the court or clerk.
6. The following civil matters are ALL continued – (1) Infraction hearings (both contested and mitigation). To effect these continuances, IRLJ 2.6(a), (b), (d), (e) and (f) shall be suspended. The Court will continue to accept written statements submitted by mail or email pursuant to IRLJ 2.6(c). (2) Small claims trials. (3) Civil trials and motion hearings. (4) Name change hearings. (4) Impound hearings. Those cases currently scheduled shall be rescheduled by the District Court Clerk's Office.

7. Bench warrants may not be issued on failures to appear if the defendant has remained in contact with counsel, absent a finding by the court that the necessity of issuing the warrant outweighs the emergency.
8. A defendant who contacts the Court by email or phone seeking a hearing to quash warrant will have any warrants quashed ex parte by the Court in chambers so long as the defendant provides his or her current mailing address, absent a determination by the judge that the interest in maintaining the warrant outweighs the emergency necessitating this closure.
9. Litigants and members of the public who feel sick will not be allowed to enter the District Court area of the Ferry County Courthouse.
10. The District Court Clerk's Office shall remain open for paying fines, obtaining copies of documents filed in District Court, and new filings. All other business shall be transacted telephonically.
11. Ferry County Therapeutic Court (FCTC) will conduct staffings via email. Any need for sanctions will occur on the regularly scheduled Friday dockets. Regularly scheduled staffings and court will reconvene in June, subject to review for earlier or later return to normal operations.
12. This order takes effect on: 3-17-2020.

SO ORDERED this 16th Day of March, 2020.


PRESIDING JUDGE