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7 IN THE SUPERIOR COURT OF WASHINGTON
8 IN AND FOR GRAYS HARBOR COUNTY

9 IN THE MATTER OF EMERGENCY
10 RESPONSE TO A THREAT TO PUBLIC
11 HEALTH
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GENERAL ORDER 2020-8

**EMERGENCY ORDER
REGARDING EXTENSION
OF SPEEDY TRIAL TIME
FRAME**

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16 Pursuant to General Rule (GR) 21(a), the Presiding Judge of this court issued General
17 Order 2020-1 on March 12, 2020, General Order 2020-2 on March 16, 2020, General Order
18 2020-3 on March 19, 2020, General Order 2020-5 on April 2, 2020 and General Order 2020-6 on
19 May 4, 2020 in response to the public health emergency arising from the coronavirus (COVID-
19), which was declared a pandemic by the World Health Organization on March 11, 2020 and
which continues to affect the operations of the Grays Harbor County Superior Court.

20 This order adopts and incorporates prior orders of this court, except as amended herein,
21 and the Washington Supreme Court orders issued on March 18, 2020, April 13, 2020, April 29,
22 2020 and May 29, 2020.

23 All operations of this court, except as set forth in General Order No. 2020-5, were
24 suspended on March 19, 2020. The Grays Harbor County Superior Court operations were
25 closed, except for limited remote hearings, until June 29, 2020.
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EMERGENCY ORDER
REGARDING EXTENSION OF
SPEEDY TRIAL TIME FRAME

1 Upon resumption of court operations, this court immediately began the planning process
2 for scheduling criminal jury trials. As stated by the Washington Supreme Court, many court
3 facilities in Washington (including Grays Harbor County Superior Court) are ill-equipped to
4 effectively comply with social distancing and other public health requirements, which create
5 unique and substantial challenges to the court as it plans for jury trials which would not unduly
6 jeopardize the health and safety of litigants, attorneys, judges, court staff and members of the
7 public.

8 On August 4, 2020, the Washington State Department of Health published a document
9 entitled "COVID-19 and Washington State Courts, Public Health Risk Reduction
10 Recommendations". This document sets forth the safety measures which all trial courts should
11 implement as it begins to conduct jury trials. The recommended safety measures include social
12 distancing of at least 6 feet between all persons, face-masking of all persons and frequent hand-
13 sanitizing. Compliance with these safety measures severely limits the use of our courtrooms for
14 jury trials.

15 The Grays Harbor County Superior Court had three courtrooms available for jury trials
16 prior to the COVID-19 pandemic. The court is now able to conduct only one trial at a time in the
17 courthouse due to social distancing and other public health requirements. This court has secured
18 the use of the Exhibition Hall at the Grays Harbor County Fairgrounds and a courtroom has been
19 created within the Exhibition Hall. The Washington Supreme Court and the Grays Harbor
20 County Commissioners have approved this site for conducting sessions of the court.

21 The closure of this court for more than three months and the inability to conduct any jury
22 trials for almost five months has resulted in a severe backlog of cases awaiting trial assignments.
23 The courtroom preparations at the Exhibition Hall are nearly completed and this court will
24 resume jury trials beginning August 18, 2020.

25 At this time, the court has 30 felony cases scheduled for jury trials in the 17-week time
26 span between August 18, 2020 and December 17, 2020. In each of these 30 cases, trial counsel
have certified to the court that a trial is necessary, i.e., that settlement negotiations have been
exhausted without resolution. All of the cases currently scheduled for jury trials were filed prior
to July 1, 2020. This court has no dates available in 2020 for any additional jury trials to be
scheduled.

This court has approximately 15 cases currently awaiting trial assignments. When the
court conducts its next trial assignment docket on August 17, 2020, it will be necessary to assign
trial dates in the months of January through April, 2021.

1 Based upon data provided by the Administrative Office of the Courts for the State of
2 Washington, it is estimated that there will be approximately 250 new felony cases filed in Grays
3 Harbor County Superior Court between September 1 and December 31, 2020. Based upon
4 historical data, approximately 20 of those newly filed cases will require a trial assignment.

5 The assignment of trial dates to the 15 cases currently awaiting trial assignment and to
6 the estimated 20 cases which will require trial assignments prior to December 31, 2020 will
7 exhaust all available trial settings through April 30, 2021.

8 The Washington Supreme Court, by its order of April 29, 2020, made a finding that “the
9 serious danger posed by COVID-19 ... constitutes an unavoidable circumstance under
10 CrR3.3(e)(8)”, thereby warranting the exclusion of trial delays when calculating time for speedy
11 trial. In the same order, the Supreme Court recognized the authority of the trial courts to extend,
12 as necessary and as circumstances warrant, the time frames for conducting trials as required by
13 CrR3.3(b).

14 By this order, the court hereby finds that it is not possible, under the existing
15 circumstances, to schedule the necessary jury trials in criminal cases which are currently pending
16 and which will be filed in the coming weeks, without extending the time frames under CrR
17 3.3(b).

18 Based upon the court’s findings as set forth in this order that COVID-19 continues to be
19 an unavoidable circumstance under CrR 3.3(e)(8) and constitutes good cause to extend the time
20 frame for trials, it is hereby ordered that the time between the date of this order and April 1, 2021
21 shall be excluded when calculating time for trial.

22 DATED this 11th day of August, 2020.

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24 DAVID L. EDWARDS
25 PRESIDING JUDGE
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