

**In the Montesano Municipal Court Before Christopher C. Bates,
Grays Harbor County, State of Washington**

IN THE MATTER OF

**EMERGENCY RESPONSE TO A
THREAT TO PUBLIC HEALTH**

AMENDED

GENERAL ORDER 2020-5

EMERGENCY ORDER RE:

PUBLIC HEALTH

WHEREAS, the Chief Justice of the Washington State Supreme Court has issued an emergency order in response to the public health emergency that affects operations of trial courts in Washington State on March 4, 2020; and,

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602, granting emergency authority to this court 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, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, declaring a state of emergency as a result of the public health emergency posed by coronavirus/COVID-19, subsequently issuing a "Stay Home, Stay Healthy" order to curtail spread of the virus; and

WHEREAS, on March 18, 2020 the Washington Supreme Court has adopted Order No. 25700-B-606, ordering all courts to suspend all criminal jury trials, court of custody criminal matters, first appearances, suspending issuance of bench warrants for failure to appear, and suspend court rules and orders until after April 24, 2020 and to take further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS, on April 29, 2020 the Washington Supreme Court has adopted Order No. 25700-B-618, ordering all courts to suspend all criminal jury trials, court of custody criminal matters, first appearances, suspending issuance of bench warrants for failure to appear, and suspend court rules and orders until after May 31, 2020 and to take further actions concerning court operations, as warranted to address the current state of emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. With the exceptions set forth below, all in person hearings on criminal matters are suspended.

Cases that were in an arraignment or pretrial status on March 17, 2020 and require in person attendance will be continued until a date to be determined. The time between the date of the original hearing and the next appearance shall be excluded when calculating speedy trial. In person hearings for post-conviction matters will be reset. Time between the original hearing date and next appearance will be

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tolled when calculating jurisdiction. Arraignment on out of custody cases filed on or after March 17, 2020 will be deferred until a date at least 45 days after the filing of charges for good cause and per Supreme Court order. The new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrRLJ 3.3(c)(1).

Exceptions to the above include:

- a) Any matter that may be resolved by written motion and order or that may be conducted remotely by telephone or video. Documents for remote hearings shall be prepared and submitted to the Court via email.
- b) Consistent with paragraph 6 of Supreme Court Order 25700-B-607, ex parte hearings for no contact orders. Prosecutors may appear via written motion.
- c) Out of custody arraignments for DV designated or DUI and DUI related offenses. Social distancing measures and public health precautions will be implemented. When possible and with prior arrangement, appearance may be by telephone or video.
- d) Any hearing set upon judicial determination of an emergent need. All such hearings will be scheduled to be heard at 2 p.m. on a Tuesday unless otherwise arranged with the Court. Hearings will be conducted telephonically or by video whenever possible.
- f) The following **in custody** matters which will be conducted with the defendant appearing via video if possible:

- 1) Arraignments, plea hearings, criminal motions, and sentencing hearings. For purposes of this order, criminal motions include competency hearings and revocation/review hearings where persons have been booked on warrants for post-conviction matters.

For attorneys and interested parties in the courtroom, social distancing measures and public health precautions will be implemented. The Court may prohibit entry to or remove any person exhibiting signs of illness. The Court may also limit the number of individuals in the courtroom, require face coverings, and/or require non-intrusive health screenings for entry.

- 2) Any in custody matter pending trial shall be continued to a date after July 6, 2020 per Supreme Court Order 25700-B-618.

g) Any hearing scheduled by agreement of the parties and approval of the Judge. Social distancing measures and other public health precautions will be implemented and enforced. Face coverings and non-intrusive health screenings may be required for entry.

- 2) **The front counter will be closed to the public until further order.** However, the Clerk's office continues to be open. All business with the Clerk's office will be conducted telephonically, email, electronically, by fax, or by U.S. mail. The Court will accept filings by e-mail during the pendency of this order. Payments and correspondence may be left in the Court's locked drop box. Payments may also be made on-line via Point and Pay or by phone.

Any person needing a public defender may submit an application by mail, e-mail, or the Court's drop box.

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3) No in person infraction hearings will be held until further order of the Court. Rules relating to the scheduling of speedy hearings are suspended.

Mitigation hearings or contested hearings may be conducted by mail or email where requested. The court may also schedule remote hearings.

4) No jury trials will be held until at least the July term. All matters previously scheduled for jury trial will be rescheduled to a date to be determined in the future.

5) Continuing in effect, and ending at a date to be determined by future court order:

a) Except for persons on Court provided SCRAM devices, all probation appointments will be conducted telephonically. It is the responsibility of defendants to call the probation office at the appointment time;

6) The courtroom will open when court hearings are scheduled; however, attendance may be limited. Social distancing measures and other public health precautions will be implemented and enforced. Face coverings and non-intrusive health screenings may be required for entry.

When cases are scheduled to be heard by video, public access may be provided by live stream in lieu of opening the courtroom. Notice of live streamed hearings will be posted at the courthouse and on the Court's website. Any person who is not a party and wishes to participate in the virtual hearing may contact the Court in advance of the hearing to request access, or should notify the prosecutor, victim advocate or defense attorney prior to the hearing.

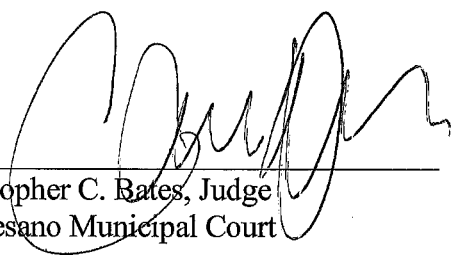
7) For all cases currently pending and for new cases filed during the pendency of this order, the delay/continuance of cases shall constitute an excluded period and/or be subject to this Court's now standing order suspending court rules for speedy trial purposes, which includes, but is not limited to, CrRJL 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, Supreme Court Order and any other applicable court rule;

8) Notices for future dates for all cases delayed by this order will be mailed to the parties via U.S. mail. Any party needing to update a mailing address should contact the court at (360) 249-4245;

9) For instances not specified above and where applicable to a municipal court, the Supreme Court of Washington Orders No. 25700-B-607; 25700-B-615, and 25700-B-618 are hereby incorporated by reference;

10) The Court may extend or revise this order as required by the continuing public health emergency, and if necessary, will do so by further order.

DATED this 12th day of May, 2020.



Christopher C. Bates, Judge
Montesano Municipal Court

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