

APR 16 2020

ISLAND COUNTY WA 98277

**IN THE DISTRICT COURT FOR ISLAND COUNTY AND THE MUNICIPAL COURTS
FOR OAK HARBOR, COUPEVILLE AND LANGLEY**

**IN THE MATTER OF EMERGENCY RESPONSE) ADMINISTRATIVE ORDER
TO A THREAT TO PUBLIC HEALTH)
) NO. 2020-0004
)
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WHEREAS, ON February 29, 2020 Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus COVID-19; and

WHEREAS, on March 2, 2020 the Island County Health Department declared a state of emergency due to the spread of the coronavirus; and

WHEREAS, on March 4, 2020 the Washington State Supreme Court adopted 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, March 11, 2020 the World Health Organization declared the spread of the coronavirus a pandemic; and

WHEREAS, on March 12, 2020 Governor Inslee expanded the school closure order to K-12 schools statewide because of the coronavirus spread; and

WHEREAS, on March 13, 2020, President Trump declared a national state of emergency under the Stafford Act; and

WHEREAS, on March 16, 2020, Governor Inslee Issue a proclamation closing all restaurants, bars, and other facilities for 14 days and imposed restrictions on meetings of fewer than 50 people; and

WHEREAS, the State of Washington was the epicenter of the viral outbreak in the United States, and continues to experience the second largest number of cases and the greatest number of deaths, but the State of New York now has the greatest number of cases, and the States of California, New Jersey and Massachusetts are among the states with the greatest number of cases, and the Massachusetts Supreme Judicial Court has closed all Massachusetts courts for 3 weeks, the New York Courts are closed for all non-essential business, various courts in California and New Jersey are closed for non-essential business; and

WHEREAS, the Washington State Supreme Court entered Order No. 25700-B-606 In the Matter of Statewide Response by Washington State Courts to the COVID-19

Public Health Emergency, which Order has been subsequently amended by the Supreme Court in Order No. 25700-B-607, which Order was revised and extended by the Supreme Court on April 13, 2020; and

WHEREAS, the Courts of Washington strive to promote access to justice, and access to court proceedings in a secure and healthy environment;

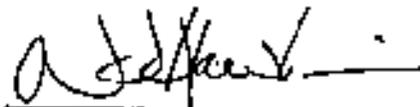
NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Courthouse, including the front counter, will remain closed to the public except as stated below. This temporary closure is effective immediately and will last until May 4, 2020 further order of the Court, and may be continued based upon public health guidance, including but not limited to further proclamations by the Washington State Supreme Court.
2. All jury panels scheduled for duty between March 16, 2020 and May 4, 2020 are excused from jury duty.
3. All cases scheduled for a jury trial between March 16, 2020 and May 4, 2020 will be continued and scheduled for Readiness on a date after May 4, 2020 at 1:00 pm. The Court may proceed with video/telephonic conferences as appropriate and at the discretion of the individual judicial officer. Scheduling orders in cases may need to be amended as appropriate on a case-by-case basis.
4. Arraignment on out of custody criminal cases filed on or after April 13, 2020 shall be deferred until a date after the filing of charges.
5. As it applies in this Court, Criminal Rule for the Courts of Limited Jurisdiction 3-3 regarding Time for Trial is hereby amended as follows:
 - a) a new subsection (10) (e) is added regarding Excluded Periods, to recognize the need for and to create an excluded period for delay granted by the Court due to the coronavirus pandemic;
 - b) a new subsection (e) (2) (ix) is added to provide that a period of delay granted by the Court for reasons of public health shall reset the commencement date for speedy trial; and
 - c) Section (f) (1) is amended to provide that upon written agreement of the parties which need not be signed by the defendant or all defendants, the Court may continue the trial to a specified date.

The Court finds good cause pursuant to CrRLJ 3-3 (f) and further finds that continuance of cases for reasons of public health is required in the administration of justice to balance access to justice and the duty to provide a safe environment for all participants in the justice system. The Court recognizes that the constitutional right to speedy trial remains unbridged; any constitutional speedy trial issues raised will be reviewed on a case by case basis.

6. As it applies in this Court, Criminal Rule for the Courts of Limited Jurisdiction 4.1 (a) (1) and (2) are each amended to provide that the speedy arraignment rule requiring arraignment within 14 days after the complaint or citation and notice is filed in court, is suspended based upon the public health concerns described above.
7. All criminal initial appearances, arraignments, detention hearings, guilty plea and sentencing hearings shall be conducted via video/telephonic conference, unless directed otherwise by the Court. Participation by video/telephonic conference may be arranged by calling the Court at (360) 675-5965. Calling at least 10 minutes before the time for the hearing is recommended.
8. All bench warrant turn-in calendars are cancelled pending further order of the Court.
9. All attorneys and litigants are encouraged to handle routine matters such as continuances through agreed ex parte orders in order to minimize the need for in person hearings and, pertaining to defendants in custody, to minimize the need for jail staff to escort the inmates from their cells to the video conference room.
10. All contested hearings and mitigation hearings in civil traffic and other infraction cases will be presumptively scheduled to be heard by mail pursuant to Infraction Rules for Courts of Limited Jurisdiction (IRLJ). Upon request, and on a case by case and for good cause the Court will consider scheduling hearings by video or telephonically. All court proceedings shall be held consistent with the requirements of *State v. Beta Club*, 128 Wn. 2d 254 (1995) and *The Seattle Times v. Ishikawa*, 87 Wn. 2d 50 (1982) and of the Revised and Extended Order Regarding Court Operations NO. 25700-B-615 of the Washington State Supreme Court.
11. All mediations, hearings and trials in Small Claims Court cases, all hearings in Name Change cases, and all hearings and trial in civil cases scheduled between March 16, 2020 and May 4, 2020 are continued and will be rescheduled for hearing after May 4, 2020.
12. All Probation appointments will presumptively be conducted by telephone, unless otherwise directed by Probation.

DATED this 16th day of April, 2020.



Presiding Judge