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4 IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF OKANOGAN

5 In re:

Administrative Order No. 2020-003

6 COURT OPERATIONS UNDER THE
7 EXIGENT CIRCUMSTANCES
8 CREATED BY PUBLIC HEALTH
9 EMERGENCY IN WASHINGTON STATE

10 WHEREAS on February 29, 2020, Washington Governor Jay Inslee declared a state of
11 emergency due to the public health emergency posed by the spread of the COVID-19 virus; and

12 WHEREAS on March 4, 2020, Chief Justice Debra Stephens of the Washington State
13 Supreme Court adopted Order No. 25700-B-602, granting emergency authority to the Presiding
14 Judges of Washington courts to adopt, modify, and/or suspend court rules and order, and to take
15 further actions regarding court operations as warranted to address the current public health
16 emergency; and

17 WHEREAS the United States Centers for Disease Control and Prevention (CDC) and the
18 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 March 17, and March 19, 2020, this Court adopted Administrative Orders
No. 2020-001 and 2020-002, altering certain court operations while reserving the right to modify
said Orders; and

WHEREAS on March 18, 2020, Chief Justice Debra Stephens of the Washington State
Supreme Court adopted Order No. 25700-B-606¹, ordering the continuance of all non-emergency

¹ Later amended by Supreme Court Order 25700-B-607 on March 20, 2020.
ADMINISTRATIVE ORDER 2020-003

1 civil and criminal matters in all Washington courts until after April 24, 2020, and making
2 additional provisions for the protection of public health; and

3 WHEREAS on April 13, 2020, Chief Justice Debra Stephens of the Washington State
4 Supreme Court adopted Order No. 25700-B-615, ordering the continuance of all non-emergency
5 civil and criminal matters in all Washington courts until after May 4, 2020, authorizing lower
6 courts to adopt additional measures more restrictive or of longer duration than those
7 implemented by the Supreme Court, and making additional provisions for the protection of
8 public health; and

9 GIVEN the severity of risk posed to the public, and the above public health
10 recommendations from public health authorities;

11 IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY:

- 12
- 13 1. CONTINUANCE OF MAY JURY TRIALS: No juries will be empaneled during the month
14 of May, 2020. Cases set for jury trial during the month of May, 2020, will be addressed and
15 re-scheduled as necessary at the currently-scheduled readiness hearings on either May 1 (for
16 trials set for May 6 or May 7) or May 15 (for trials set for May 20 or May 21). These
17 hearings will be held via Zoom videoconference, and the parties are directed to contact the
18 court clerk with an email address and phone number prior to the hearing and appear
(remotely via Zoom) as previously ordered.
 2. CONTINUANCE OF IN-CUSTODY HEARINGS: All cases currently pending before this
Court that have in-custody hearings scheduled shall be rescheduled as follows:
 - a. In-custody hearings currently scheduled for May 4, 2020, shall be continued to May
11, 2020, at 8:30 am.
 - b. Cases currently scheduled for May 4, 2020, wherein the defendant is now out-of-
custody, shall remain set for May 4, 2020 at 8:30 a.m., and will be heard by Zoom
videoconference.
 - c. In-custody cases affected by this Order may be reset to a jail calendar prior May 11,
2020, to address motions for pretrial release, bail modification or plea/sentencing
hearings. An email to the District Court clerk and opposing counsel is acceptable in
lieu of a scheduling order.

1 d. All other in-custody cases already set for a motion or plea/sentencing are to remain
2 set as currently scheduled, unless a party contacts the Court requesting a new hearing.

3 3. HEARINGS CONDUCTED VIA VIDEO CONFERENCING: Upon the agreement of the
4 parties, and subject to docket availability as determined by the Court, cases that have been
5 continued by this Order or a previous Administrative Order may be heard during the month
6 of May via Zoom video conferencing for the purposes of a status conference, criminal
7 motion, or plea/settlement. Cases heard via Zoom will require:

- 8 a. The filing of a Waiver of Personal Presence and any settlement documents (e.g.
9 Statement on Plea of Guilty, Stipulated Order of Continuance, Restitution Orders,
10 Time Pay Agreements) prior to the hearing date;
- 11 b. The provision of email addresses for defense counsel and the defendant to the Court
12 prior to the hearing date so the Court can send a Zoom invitation;
- 13 c. Defendants and counsel to remain available for the duration of the calendar until their
14 case is called by the Court.
- 15 d. All hearings (other than jury trials) currently set during the month of May, 2020, will
16 be heard via Zoom video conferencing, and the parties are directed to comply with
17 the provisions of this Order.

18 4. NOTICE:

- 19 a. For criminal matters where a notice of appearance has been filed by an attorney, the
20 attorney of record is responsible for notifying the defendant of the new
21 hearing date.
- 22 b. For criminal matters wherein the defendant is unrepresented by counsel, or where
23 counsel has not yet been assigned, the court clerk is directed to send notice of the new
24 hearing date to the defendant's last known mailing address.

25 5. SPEEDY TRIAL/HEARING: Paragraph 9 of Supreme Court Order 25700-B-607 and
26 paragraph 11 of Supreme Court Order 25700-B-615 are hereby incorporated by reference.
27 Accordingly, this Court finds that the above continuances in criminal cases affected by this
28 Order are required in the administration of justice, that good cause exists due to the ongoing
29 public health crisis, and that said continuances are due to an unavoidable circumstance under

1 CrRLJ 3.3(e)(8). Pursuant to CrRLJ 3.3(e)(3), the time between the original hearing date and
2 the new hearing date mandated by this Order is excluded when calculating allowable time for
3 trial.

4 6. AGREED ORDERS: The Court will continue to accept agreed orders pertaining to cases
5 affected by this Order to address scheduling, conditions of release, or other issues.

6 a. It is preferred that these orders be submitted via email to a court clerk or to District
7 Court generally at districtcourt@co.okanogan.wa.us

8 b. Pursuant to paragraph 10(a) of Supreme Court Order 25700-B-606, defense counsel
9 need not obtain signatures from defendants on orders to (further) continue criminal
10 cases.

11 7. APPLICABILITY / DURATION: this Order modifies and supersedes any provisions of
12 Administrative Orders 2020-001 and/or 2020-002 that are in conflict. This Order shall
13 remain in effect through May 11, 2020, unless later rescinded, modified, or extended by the
14 Court, or unless superseded by further Order of the Supreme Court.

15 DATED this 24th day of April, 2020.

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17 Robert W. Grim, Presiding Judge