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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR PACIFIC COUNTY

IN THE MATTER OF THE RESPONSE
BY WASHINGTON STATE COURTS TO
THE PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

ORDER

No. 2020-1

WHEREAS. On February 29, 2020, Governor Jay Inslee declared a state of emergency in all counties in the state of Washington due to the public health emergency caused by the Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS. On March 12, 2020, Governor Jay Inslee ordered all Washington schools, public and private, and all Washington universities, public and private are closed through April 24, 2020; and

WHEREAS. On March 16, 2020, Governor Jay Inslee ordered closure of all Washington bars, restaurants, clubs, entertainment venues, faith-based organizations and facilities, and other similar organizations and venues through March 31, 2020; and

WHEREAS. On March 16, 2020, Governor Jay Inslee ordered that gatherings in the State of Washington are to be limited no more than 50 people through March 31, 2020; and

1 WHEREAS. During this state of emergency, it may become necessary for courts in
2 these counties to close, relocate, or otherwise significantly modify their regular operations;
3 and

4 WHEREAS. The presiding judges in these counties need sufficient authority to
5 effectively administer their courts in response to this state of emergency, including
6 authority to adopt, modify, and suspend court rules and orders as warranted to address the
7 emergency conditions.

8 NOW, THEREFORE, pursuant to the Court's authority to administer justice and to
9 ensure the safety of court personnel, litigants, and the public,

10 IT IS HEREBY ORDERED THAT:

- 11 1. All regularly scheduled dockets are hereby suspended until April 30, 2020.
- 12 a. All civil matters (family law, dependency, probate, guardianship, etc)
13 are hereby stricken, and will need to be re-noted by counsel or pro se
14 party after April 30, 2020.
- 15 i. Emergency civil matters can be set with Superior Court
16 Administration approval.
- 17 ii. Ex parte fees shall be waived.
- 18 2. All civil and criminal trials are suspended until after April 30, 2020.
- 19 3. All **out of custody** criminal matters shall be continued to after April 30, 2020.
- 20 a. Emergency motions can be scheduled through Superior Court
21 Administration.
- 22 4. All **in custody** criminal matters shall be continued to after April 30, 2020,
23 with the following exceptions:
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a. First appearances, arraignments, plea and sentencing matters, 1 pm each day or as approved through court administration.

i. Defense counsel may appear telephonically for arraignments only.

b. The Court retains discretion in the scheduling of these matters, except that the following matters shall take priority:

i. Pretrial release motions.

ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant within 30 days of the hearing.

iii. Parties are not required to file motions to shorten time in scheduling any of these matters.

5. The Court concludes a continuance of these criminal hearings and trials is required in the administration of justice. Based upon the court’s finding that the serious danger posed by COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrR 3.3(e)(3).

6. The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, for all matters covered in

1 Sections 1 and 2, this Order serves to continue those matters without need for
2 further written orders. Additionally:

- 3 a. Defense counsel is not required to obtain signatures from defendants
4 on orders to continue criminal matters through April 30, 2020.
- 5 b. Clerks are directed to provide notice of new hearing dates to defense
6 counsel and unrepresented defendants.
- 7 c. Defense counsel is directed to provide notice to defendants of new
8 court dates.

9 7. Motions for Pre-Trial Release:

- 10 a. The Court shall agree to hear motions for pretrial release on an
11 expedited basis without requiring a motion to shorten time.
 - 12 i. Expedited motions for pretrial release conditions shall be set
13 with Superior Court Administration approval.
- 14 b. The Court finds that the COVID-19 crisis constitutes a “material change
15 in circumstances” under CrR/CrRLJ 3.2(k)(1) and “new information”
16 allowing amendment of previous bail order or providing different
17 conditions of release under CrR/CrRLJ 3.2(k)(1).
- 18 c. Parties may present agreed orders for release of in-custody defendants,
19 which shall be signed expeditiously.
- 20 d. If a hearing is required, the Court shall schedule these hearings within
21 five business days upon receiving Defendant’s motion to modify release
22 conditions.

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8. The Court will allow telephonic appearances for all priority criminal hearings,
and the fee for this service between now and through April 30, 2020, be waived.

DATED at South Bend, Washington this ____ day of March, 2020.

DONALD J. RICHTER
Presiding Judge