

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF SAN JUAN

IN THE MATTER OF THE RESPONSE BY)	FIRST AMENDED
SAN JUAN COUNTY DISTRICT COURT TO THE)	EMERGENCY ORDER
PUBLIC HEALTH EMERGENCY IN)	
WASHINGTON STATE AND SAN JUAN COUNTY)	No. 20-02
)	COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and San Juan County. The actions set forth herein will take effect on March 17, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the date may be extended by further order of the Court. This order replaces Emergency Order No. 20-01.

The Court makes the following findings:

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the Coronavirus 2019 (COVID-19).
2. On March 4, 2020, Washington Supreme Court Chief Justice Debra L. Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington, granting presiding judges in Washington counties the authority to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency.

3. On March 13, 2020, Governor Jay Inslee entered Proclamation 20-09, closing all K-12 public, private, and charter schools in the State of Washington from March 17, 2020, through April 24, 2020.

4. On March 13, 2020, San Juan County Council declared a state of emergency in San Juan County due to COVID-19 by enacting Resolution 08-2020, directing elected county officials to take actions deemed necessary to mitigate and prevent impacts and potential impacts to the health and well-being of the residents of San Juan County.

5. On March 16, 2020, Governor Jay Inslee entered Proclamation No. 20-13, limiting gatherings of 50 or more people in all counties.

6. According to the Washington State Department of Health, as of March 19, 2020, there are over 1,370 confirmed cases of COVID-19 in the State of Washington, with the vast majority of cases in Western Washington, and cases confirmed in nearby counties of Whatcom, Skagit, Snohomish, King, Island, and Jefferson. As of March 19, 2020, 74 deaths have been linked to COVID-19.

7. According to the Washington State Department of Health, the San Juan County Department of Health and Community Services, and the U.S. Centers for Disease Control and Prevention (CDC), to limit the spread of the disease, those entities recommend limiting person-to-person contact, including staying at least six (6) feet from other persons.

8. The Court entered Emergency Order No. 20-01, Court Operations, in this matter on March 16, 2020.

9. On March 18, 2020, the Washington Supreme Court entered Order No. 25700-B-606, mandating specific emergency measures for all Washington courts. The Court then entered Corrected Order No. 25700-B-607, correcting a scrivener's error.

Given the significant number of identified cases of COVID-19 in Western Washington, the State of Washington, and the country, and the severity of the risk posed to the public, court personnel, and court participants, pursuant to the authority of Washington State Supreme Court

Order No. 25700-B-602 and the authority as Presiding Judge of the San Juan County District Court,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All CRIMINAL JURY TRIALS shall be CONTINUED until a jury term after April 27, 2020. Due to the reduced ability to obtain an adequate number and spectrum of jurors, the inherent public health risk of sufficient numbers of potential jurors gathering for jury selection, the inherent risk to court staff, parties, and counsel, and the effect of public health recommendations on the ability of court staff and counsel to be present in the courtroom as well as for the public to be invited into the courtroom: (1) the time period from the effective date of Emergency Order No. 2020-1 (March 17, 2020) until the continued trial date issued in a given case shall be excluded in computing time for trial pursuant to CrRLJ 3.3(e)(3) and CrRLJ 3.3(f)(2); or (2) April 25, 2020, shall be deemed a new commencement date under CrRLJ 3.3, whichever results in a sooner required time for trial. The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrRLJ 3.3(e)(8).

A. The Court shall issue new court dates for hearings continued under this section, to be approved by defense counsel if possible; the defendant's signature is not necessary. All conditions of release previously imposed remain in effect.

B. The Court will issue the new date to defense counsel and the defendant. Defense counsel shall also provide notice to defendants of new court dates.

2. All **out of custody** criminal matters presently noted on the CRIMINAL CALENDAR will be continued to a date after April 24, 2020. Arraignments and preliminary appearances (including DUI preliminary appearances under RCW 46.61.50571) for out of custody cases filed between March 18, 2020 and April 24, 2020 shall be deferred until a date 45 days after the filing of charges. Good cause exists under CrRLJ 4.1 to extend the arraignment dates. 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).

A. The Court shall issue new court dates for hearings continued under this section; no further written order is needed, and the defendant’s signature is not necessary. All conditions of release previously imposed remain in effect.

B. The Court will mail the new date to defense counsel and the defendant. Defense counsel shall also provide notice to defendants of new court dates.

C. The Court may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for courts to extend ex parte orders beyond the initial period until a hearing can be held.

D. Additionally, motions to show cause for **out of custody** probation violations and motions to revoke sentences scheduled for the PROBATION CALENDAR shall be continued to a date after April 27, 2020. These hearings will be reset to a date determined by the court clerk and probation officer.

3. All **in custody** criminal matters shall be continued until after April 24, 2020, with the following exceptions: preliminary appearances, arraignments, criminal motions, plea hearings; and sentencing.

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

B. All counsel and defendants may appear by telephone or Skype video conference, if available, unless the Court cannot ensure the opportunity for private and continual discussion by the defendant with his or her attorney during all critical stages of the proceedings, or unless otherwise deemed practically impossible. Counsel must inform

Court Administration if they intend to appear by phone or Skype video conference to ensure the technology can be arranged.

C. The Court shall issue new court dates for hearings continued under this section, to be approved by defense counsel if possible; the defendant's signature is not necessary. All conditions of release previously imposed remain in effect.

D. The Court will issue the new date to defense counsel and the defendant. Defense counsel shall also provide notice to defendants of new court dates.

4. NO CIVIL JURY TRIAL will be set for a date prior to June 1, 2020. Additionally, the following **non-emergency** civil matters are all continued until after April 27, 2020, including:

A. Civil motion hearings normally noted for the Law and Motion calendar on Tuesdays at 2 pm.

B. Infraction matters set for the first Tuesday morning of each month, both contested and mitigation hearings. To effectuate these continuances, IRLJ 2.6(a), (b), (d), (e), and (f) shall be suspended. The Court will continue to accept written statements submitted by mail or e-mail pursuant to IRLJ 2.6(c).

B. Small claims matters set for the third Tuesday of each month at 9:00 am.

C. Name change hearings.

D. Impound of vehicle or vessel hearings.

E. Impound of animals hearings.

7. Full-order hearings on CIVIL PROTECTION ORDERS, including anti-harassment, domestic violence, stalking, and sexual assault protections orders, are presumed to be **emergency** civil matters that will be not be continued. Emergency civil matters MUST be heard by telephone unless impossible.

8. For all hearings that take place in-person in either Courtroom, the following requirements apply:

A. Each person in the gallery must sit at least six (6) feet apart.

B. Each person must use the hand sanitizer at the counsel tables before addressing the Court or signing papers.

C. The Court will not provide water to participants, but participants are invited to bring their own water bottles or to take a paper cup provided and fill it at the public water fountain in the hallway.

9. For all hearings that take place telephonically, parties should consult with the clerk for instructions on how to call in for their hearing.

10. NO PERSON MAY ENTER THE COURTROOM IF SICK OR EXHIBITING ANY SIGNS OF ILLNESS, INCLUDING COUGHING. IF YOU ARE COUGHING, YOU WILL BE ASKED TO LEAVE.

10. Until further order, the District Court front counter will be operating at limited hours only. The front counter will be available for most paper filing and money transactions from 10 a.m. to 2 p.m., Monday through Friday. All court filings may be done through fax, at (360) 378-4099, or electronically by email, at dstct@sanjuanico.com. A document is considered electronically filed when a responsive email is provided by the Clerk. Everyone is encouraged to make any court or infraction payments through the payment deposit box, or by phone through Official Payments. Filing a petition for a civil protection order in person will still be permitted during our full business hours, from 8:30 am to 4:30 pm; the petitioner must ring the bell for service at the front counter if the counter is closed.

14. All screening by the public defender screener shall be by telephone until further order. The Public Defender Screener may be reached Monday – Friday from 9am – 12pm at: 360-370-7444.

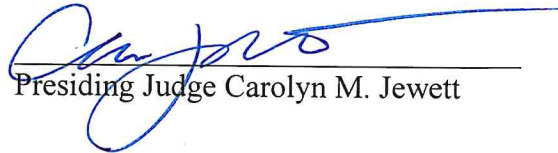
15. Until further order, Court interpreters are permitted to appear by telephone.

20. Civil Ceremonies, such as weddings and administration of oaths, performed by the District Court Judge are suspended until further order.

21. This Emergency Order modifies all San Juan County Local Court Rules inconsistent herewith.

22. This First Amended Emergency Order No. 20-02 replaces and supplants the Court's previous order, Emergency Order No. 20-01. This Emergency Order may be modified or further extended consistent with ongoing assessment of the current public health emergency based on recommendations of San Juan County Department of Health and Community Services, Washington State Health Department, and other appropriate agencies and public health officials.

DATED this 20 day of March, 2020.



Presiding Judge Carolyn M. Jewett