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**EVERETT MUNICIPAL COURT
SNOHOMISH COUNTY, WASHINGTON
OFFICE OF THE PRESIDING JUDGE**

IN RE:

**CORONAVIRUS/COVID-19
PRECAUTIONARY MEASURES VII**

**GENERAL ADMINISTRATIVE
ORDER NO. 2020 – 11**

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This Court finds that there is a public health emergency caused by the spread of Coronavirus/COVID-19 in all Washington counties, including Snohomish County, and that an order to suspend certain court rules and to take further actions concerning court operations is needed to promote the safety of court employees, court participants and the general public; and

WHEREAS, on March 4, 2020, the Chief Justice issued Order No. 25700-B-602 in response to this public health emergency that affects the operation of trial courts in Washington, granting emergency authority to this court to adopt, modify, and suspend court rules and orders, as warranted to address this emergency;

WHEREAS, on March 13, 2020, Governor Jay Inslee ordered the closure of all schools in the State and, on March 16, 2020, ordered closure of all bars, restaurants and clubs in the State, in addition to limiting gatherings to no more than 50 people.

WHEREAS, on March 18, 2020, Washington State Supreme Court Chief Justice Debra Stephens issued Order No. 25700-B-606, requiring this Court to adopt additional measures to address this public health emergency and giving this court authority to adopt more restrictive measures, as needed,

WHEREAS, on April 2, 2020, Governor Inslee extended his state-wide mandatory Stay Home order through May 4, 2020,

WHEREAS, on April 29, 2020, Chief Justice Stevens issued a Second Revised and Extended Order Regarding Court Operations, giving further guidance to this Court concerning

1 expansion of suspended operations and extending this Court's authority to adopt, modify, and
2 suspend court rules and orders, as warranted to address this emergency;

3 WHEREAS, on May 1, 2020, Governor Inslee again extended his state-wide mandatory
4 Stay Home order through May 31, 2020,

5 **NOW, THEREFORE, EFFECTIVE MAY 5, 2020, UNTIL THIS ORDER IS**
6 **RESCINDED OR MODIFIED, IT IS HEREBY ORDERED:**

- 7 1. Everett Municipal Court will continue to remain open during this emergency, at least
8 until further order of this court. Staff are required to report to work unless otherwise
9 directed. Staff who have underlying health issues or are feeling sick, running an
10 elevated temperature, experiencing chills or muscle pain, experiencing a cough, sore
11 throat, headache, new loss of taste or smell, or other respiratory problems are directed
12 to remain at home and take leave in accordance with City policy. While at work staff
13 are required to maintain social distancing requirements and follow emergency health
14 directives as ordered by the Presiding Judge.
- 15 2. The Probation Department shall continue to have telephonic/remote meetings with
16 defendants, whenever possible. The Probation Department may continue to have
17 face-to-face meetings, as necessary, if social distancing and other public health safety
18 requirements can be met. Probation may resume MRT classes after June 1, 2020,
19 with remote classes or in-person classes, if a course plan to maintain social distancing
20 and other public health and safety requirements is approved by the Presiding Judge.
- 21 3. The Jury Terms of May 18-19, June 1-2, June 15-16, and June 29-30, 2020 are
22 cancelled. Bench Trials may be specially set by the Court at the request of the
23 parties. In person appearance is required for Bench Trials, except that witnesses may
24 appear via video with the consent of the Court and parties.
- 25 4. Out-of-Custody Arraignments: Out-of-custody arraignments currently scheduled
may proceed, subject to a ten defendant per calendar limit, except where cases
beyond that limit are approved by the Court. Unrepresented defendants are required
to attend in person, unless telephonic appearance is approved by the Court in

1 advance. Represented defendants may appear remotely with counsel. All out-of-
2 custody arraignments not already scheduled, except DUI/Physical Control and DV
3 cases, shall be set at least 45 days out from the date of violation when notice is served
4 on the defendant. In cases where defendant is summoned for arraignment, except
5 DUI/Physical Control and DV cases, such arraignment shall be scheduled at least 45
6 days out from date of filing. DUI/Physical Control and DV cases, where defendant is
7 arrested and booked over the weekend, shall be set to the first available Monday
8 morning calendar. Good cause exists under CrRLJ 4.1 to extend the arraignment
9 dates. The new arraignment date shall be considered the “initial commencement
10 date” for purposes of establishing the time for trial under CrRLJ 3.3(c)(1).

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- 12 5. Show Cause, Prosecutorial Offer of Diversion (POD) review hearings and other
13 probation hearings: In person appearance is required for Probation Revocation
14 hearings. Telephonic/remote appearance is preferred for all other probation hearings,
15 unless in person appearance is specified by the Court. Probation calendars shall be
16 subject to a twenty defendant per calendar limit, except where cases beyond that limit
17 are approved by the Court. Personal appearance for future hearings is waived for any
18 defendant who has fully complied with the terms of their POD agreement. The City
19 may present an ex parte motion to dismiss any POD where all requirements have been
20 completed.
- 21 6. Out-of-Custody Criminal hearings: Telephonic/remote appearance is preferred for
22 pretrial hearings, readiness hearings, pretrial licensing hearings and trial call hearings.
23 Defense counsel is not required to obtain signatures from defendants on orders to
24 continue criminal matters while this order is in effect. Ex parte review is authorized
25 and preferred for agreed orders (see Other Ex Parte Orders section below). In person
attendance is required for Changes of Plea, entry of Court Monitored Deferrals, and
entry of Deferred Prosecutions. These matters may be heard on a case-by-case basis
on regular criminal hearings calendars with Court approval. Otherwise, such
dispositions shall be set to unused Jury Trial days through July 6, 2020, subject to a
ten defendant per calendar limit. PODs may be approved for entry remotely, if a
signed Jury Trial/Speedy Trial waiver has been provided to the Court.

- 1 7. Competency hearings: Telephonic/remote appearance is preferred for out-of-custody
2 competency hearings. In-custody competency hearings will continue to be heard on
3 the jail calendar.
- 4 8. Motions: Telephonic/remote appearance is preferred, unless in person appearance is
5 required by the Court. Motion calendars shall be subject to a ten defendant per
6 calendar limit, except where cases beyond that limit are approved by the Court. The
7 following hearings are determined to be especially time-sensitive and shall have
8 preference over other types of motion hearings:
 - 9 a. Motions to review pre-trial release conditions
 - 10 b. Protected party motions to rescind/modify No Contact Orders
 - 11 c. Any other emergency motion with the consent of the Court
- 12 9. Order to Surrender Weapons compliance hearings: Firearms compliance hearings
13 will remain as currently set and will continue to be set for review on the Wednesday
14 motions calendar. If the Court finds the defendant not in compliance at the initial
15 review hearing, in person attendance is required for any further firearm compliance
16 hearings. Such hearings do not count toward the ten defendant maximum for the
17 Wednesday motions calendar.
- 18 10. Pretrial violation hearings: Hearings to address pretrial release conditions/alcohol
19 monitoring violations may be specially set by the Court. Telephonic/remote
20 appearance is preferred, unless in person appearance is required by the Court.
- 21 11. Mental Health Alternatives Program (MAP) hearings: Regular MAP hearings and
22 MAP staffing will be conducted remotely. Participants must continue to abide by all
23 other program requirements, including treatment, and must continue to contact the
24 MAP liaison as required. In person appearance is required for MAP termination
25 hearings.
12. Jail calendars: Jail calendars will continue to be heard daily via video and shall be
limited to a maximum of twenty defendants per calendar. With the consent of the
Court and subject to this limit, motions for release, TRO, and bail review may be
heard on the jail calendar.

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13. Per the Chief Justice's order No. 25700-B-618, any continuance of criminal hearings and trials pursuant to this order is required in the administration of justice. Based upon that 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 CrRLJ 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. CrRLJ 3.3(e)(3).
 14. Administrative hearings: Administrative hearings (e.g. impound hearings, dog hearings, etc.) may be scheduled on a case-by-case basis by court order, as needed. In person appearance is required, unless otherwise agreed by the parties and authorized by the Court.
 15. Infraction and Parking hearings: In person appearance is required for unrepresented respondents and for represented respondents intending to proceed with a full contested hearing. Such in person hearings shall be subject to a ten respondent per calendar limit and subpoenaed witnesses must appear in person. Telephonic/remote appearance is preferred for stipulated/continuance hearings with represented respondents. Telephonic/remote appearance is preferred for mitigation hearings. Mitigation calendars shall be subject to a ten respondent per calendar limit. Matters may be reset as needed by the Court to meet these limits and calendar limits may be modified by the Court as needed. The time for hearing periods set out in IRLJ 2.6 are suspended and all continuances pursuant to this order shall be excluded periods. Both mitigation and contested calendars are also available by mail, upon request.
 16. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed.
 17. For any hearings and trials reset pursuant to this order, the Court will provide notice of new hearing dates to the City, defense counsel, and unrepresented defendants. Defense counsel shall provide notice to defendants of new court dates provided pursuant to this order.
 18. Remote appearance will be accomplished telephonically or through Microsoft Teams. Microsoft Teams will be audio-only, unless otherwise requested and approved by the

1 Court. Microsoft Teams phone-in instructions and meeting ID numbers will be
2 provided to attorneys by court staff.

3 19. Ex Parte No Contact Orders: The Court may enter an ex parte No Contact Order
4 where a citation or complaint is filed with the Court and the Court finds probable
5 cause for a domestic violence offense, stalking offense or harassment offense. Such
6 order may be served upon the defendant by mail.

7 20. Other Ex Parte Orders: Agreed Orders of any kind may be presented for ex parte
8 review. For consideration, such orders must be filed at least 48 hours prior to any
9 pending court date. Defense counsel is not required to obtain signatures from
10 defendants on orders to continue criminal matters while this order is in effect, if
11 defense counsel attests to review of the waiver with the defendant.

12 21. Cases with outstanding bench warrants: Unless a case-specific exception is noted by
13 the Court when issuing a bench warrant, any defendant with an outstanding warrant in
14 this court may appear at the front counter to get a new court date and such warrant
15 will be recalled. Warrant recall fees are waived while this order remains in effect.

16 DATED this 1st day of May, 2020.

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19 **HON. AMY KAESTNER**
20 **PRESIDING JUDGE**