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5 **IN THE MUNICIPAL COURT OF CHENEY**
6 **FOR THE STATE OF WASHINGTON, SPOKANE COUNTY**

7 **CITY OF CHENEY**
8 **CITY OF MEDICAL LAKE**

EMERGENCY ADMINISTRATIVE
ORDER

9 **In Re:**

NO: 2020-03

10
11 **COURT OPERATIONS UNDER THE**
12 **PUBLIC HEALTH THREAT CREATED**
13 **BY COVID-19**

14 Pursuant to General Rule 21 ("*Emergency Court Closure*"), and the Supreme Court of
15 Washington order ("*Second Revised and Extended Order Regarding Court Operations, No. 25700-*
16 *B-618*") which grants emergency authority to this Court to adopt, modify, and suspend Court Rules
17 and Orders, and to take further actions concerning Court operations to address the current state of
18 emergency; and

19
20 WHEREAS, on February 29, 2020, Jay Inslee, Governor of the State of Washington,
21 signed a Proclamation declaring a state of emergency exists in all counties in the State of
22 Washington including Spokane County, Washington due to the number of confirmed cases of
23 COVID-19 in the State, and directed that the plans and procedures of the Washington State
24 comprehensive Emergency Management Plan be implemented;

25
26 WHEREAS, on January 31, 2020, the Secretary of Health and Human Services ("HHS")
27 declared a public health emergency, and on March 13, 2020, Donald J. Trump, President of the
28

1 United States, declared a National Emergency for the United States of America, both due to the
2 COVID-19 outbreak and health related threats;

3 WHEREAS, on March 15, 2020 the Center for Disease Control and Prevention (“CDC”)
4 provided guidance that large events and gatherings be canceled or postponed pursuant to its
5 recommendations and guidance;

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7 WHEREAS, Governor Inslee added additional restrictions and guidance including those
8 set out on March 23, 2020, April 2, 2020, and May 1, 2020, due to the declared continued state of
9 emergency concerning COVID-19, and that such remain in place in Cheney, Washington and
10 Spokane County, Washington;

11
12 WHEREAS, this Administrative Order is being issued in response to the outbreak of
13 Coronavirus Disease (COVID-19) in the State of Washington and to specifically address the risks
14 posed to the public, and consistent with the restrictions and guidance of Federal, State, and local
15 authorities (including local public health authorities), with such risks specifically including that
16 resulting from the convening a large number of persons in a courtroom results wherein possible
17 exposure of the disease to a large number of people; and

18
19 WHEREAS, the Court specifically, and in short summary, seeks to appropriately limit the
20 number of in person hearings and contacts during the health emergency consistent the
21 proclamations and guidance of Governor Inslee, and while also providing access to the Court
22 consistent with General Rule 21, Supreme Court Order No. 25700-B-618, and other Supreme
23 Court orders, directives and guidance,

24
25 **IT IS HEREBY ORDERED that EFFECTIVE IMMEDIATELY, and UNTIL**
26 **FURTHER ORDER OF THE COURT:**

1 **Relating to COURT ADMINISTRATION**

- 2 1. The Court's physical "walk up" window located outside the Court office will be closed
3 to the public until July 15, 2020.
- 4 2. Payments will continue to be accepted online, by mail, over the telephone, or by
5 depositing a payment in the "Court Drop Box" located outside of the Court office.
6 Credit card fees associated with online or telephone payments are suspended until July
7 15, 2020.
- 8 3. The Court will maintain regular hours of operation unless otherwise amended by
9 further order and notice to the "Administrative Office of the Courts".
- 10 4. A Judicial Officer will be available for any necessary hearings by use of video or
11 telephone appearances and other appropriate means. Jail bookings will be heard at
12 "Spokane County District Court" or otherwise as appropriate.
- 13 5. Video hearings will be conducted via "Zoom" with audio recording of the proceedings
14 maintained by the Court. The public may view the hearings via livestream on the
15 Cheney Municipal Court, "You Tube" channel. The videos will only be available while
16 the Court is in session. Members of the public who wish to make a request to
17 appropriately participate in a proceeding to testify or otherwise provide comment may
18 timely contact the Clerk for instructions of how to request to appear by video or
19 telephone.
- 20 6. Emergency motions and agreed orders may be submitted by the parties to the Court by
21 email, U.S. mail, or facsimile. An answer will be returned in the same manner it is
22 submitted.
- 23 7. Civil infraction mitigation or contested hearings will be conducted by U.S. mail or over
24 the internet by use of the electronic hearing process. Contact the Clerk's Office for
25 information concerning the use of the electronic hearing process.
- 26 8. "Youth Court" hearings are suspended until further order of the Court. "Youth Court"
27 cases where hearings have not been held will be returned to the Municipal Court for
28 adjudication.

1 9. Probation functions will generally be limited to telephonic or “Zoom” video meetings
2 with substance abuse monitoring being appropriately addressed on a case by case basis.
3 Probation may be contacted at (509) 498-9260.

4 10. A Public Defender will be appointed to all in-custody defendants at no expense
5 pertaining to such proceeding.

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7 11. Defendants may apply for the Public Defender by contacting (509) 498-9231, or by
8 submitting an email: CourtClerk@cityofcheney.org .

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10 12. All filings and public access to the Court will be accepted via U.S. mail, email,
11 facsimile, or by deposit in the Court Drop Box.

12 Telephone: (509) 498-9231

13 Email: CourtClerk@cityofcheney.org

14 Facsimile: (509) 498-9332

15 Mailing / Physical Address: Cheney Municipal Court, 611 2nd St,
16 Cheney, WA 99004

17 **Relating to CRIMINAL MATTERS**

18 13. All criminal jury trials remain suspended to July 6, 2020, or later.

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20 14. Bench trials may be conducted remotely via “Zoom” video or in person provided there
21 is strict compliance with social distancing or other public health measures.

22 15. Out-of-custody criminal matters will be heard via “Zoom” video or by telephone
23 appearance or may be continued until after June 1, 2020.

24 16. Unless otherwise noted, the Court will hear in-custody cases at Spokane County
25 District Court, “First Appearance” docket through Zoom (video), telephone, or other
26 appropriate means.

27 17. CrRLJ 4.1(a)(2) regarding “speedy arraignment” is hereby suspended until further
28 order of this Court in accordance with the most recent Washington State Supreme Court
Order.

- 1
- 2 18. Effective immediately, the Court will continue or reschedule criminal matters until or
- 3 after June 1, 2020. The Clerk will notify the parties of a new court date with notice
- 4 sent by U.S. mail. Defendants may contact the Court to update a mailing address by
- 5 telephone at (509) 498-9231 or by email at CourtClerk@cityofcheney.org.
- 6
- 7 19. CrRLJ 3.3(e)(8): All continuances that are granted, and matters ordered to rescheduled
- 8 by the Court while this order is in effect shall be “excluded periods” for the purpose of
- 9 calculating time for trial in accordance with the most recent Washington State Supreme
- 10 Court Order.
- 11
- 12 20. Defense counsel are not required to obtain signatures from defendant’s for continuance
- 13 through June 1, 2020.
- 14
- 15 21. Attorneys of record will be notified by the Clerk of rescheduled court hearings.
- 16
- 17 22. Attorneys are encouraged to submit agreed orders for off-docket review to the Court
- 18 where appropriate accepted by US mail, email, fax or court drop box.
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- 20 23. All warrant bookings will be reviewed by a judicial officer to determine whether release
- 21 is appropriate and when the matter should be scheduled.
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- 23 24. The Court may schedule hearings (including in-person hearings) in criminal matters
- 24 for cases involving significant threats to public safety including but not limited to
- 25 domestic violence offenses and driving while under the influence / physical control
- 26 offenses.
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- 28 25. Any substantive or emergency motions are required to be filed with the Court. A
- determination by the Court will be made as to the date, time, method and place of
- hearing with notice given to attorneys and defendants by telephone, email, facsimile,
- or U.S. mail if time permits.
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- 27 26. A defendant may contact the Court by email or telephone to request the quash of a
- bench warrant, and to schedule a court date by telephone at (509) 498-9231 or by
- 28 sending an email to CourtClerk@cityofcheney.org. The request will generally be

1 heard ex-parte by the Court. The defendant shall provide current contact information
2 including a mailing address, and, if available, a telephone number and email address.

3 27. All persons ordered by the Court to check in or meet with Probation shall do so via
4 telephone by calling (509) 498-9260.

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6 **Relating to MOTIONS TO MODIFY OR REMOVE NO CONTACT ORDERS**

- 7 1. A protected party may request forms by U.S. mail, or by calling or sending an email
8 to the Clerk: (509) 498-9231 / CourtClerk@cityofcheney.org. The Clerk will mail or
9 email the necessary forms to the protected party. The forms may be returned to the
10 Court for filing via U.S. mail, email, fax, or deposit in the "Court Drop Box". A
11 telephonic or "Zoom" video hearing will be set, as appropriate, after the forms are
12 returned and filed. Notice will be sent in the same manner received. If the filing was
13 received by deposit in the Court Drop Box, notice will be sent by U.S. mail at the
14 address provided in the request.
- 15 2. Motions to remove or modify No Contact Orders will be scheduled at a date, time, and
16 place, and method determined by the Court. The attorneys, defendant, and protected
17 party may each appear in a method determined by the Court, generally by telephone or
18 "Zoom" video. The Clerk will send notice by U.S. Mail with instructions.
- 19 3. Court decisions will be mailed to the parties by the Clerk.

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21 **Relating to CIVIL INFRACTION MATTERS**

- 22 1. Operation of IRLJ 2.6 and GR 2.6 are hereby suspended until further Order of the Court.
- 23 2. Effective immediately, all civil infraction matters will be continued to May 21, 2020,
24 or later. The Clerk of the Court will send written notice to all parties. In lieu of the
25 rescheduled hearing, parties may submit a written statement or utilize the electronic
26 hearing process. Contact the Clerk's Office for information concerning the use of the
27 electronic hearing process at (509) 498-9231.
- 28 3. Effective immediately, all new requests for in-person "mitigation" or "contested" Court
hearings pertaining to civil infractions shall be scheduled for May 21, 2020, or later, or
heard by written statement submitted by mail or an electronic hearing pursuant to IRLJ
3.5. Written statements shall be sent to the Court by U.S. mail, the "Court Drop Box",
email, or by the electronic hearing process.

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This Order may be appropriately amended or withdrawn to address the referenced public health emergency and related issues.

Court Rules which are inconsistent with this Order are suspended while this Order remains in effect.

All Supreme Court orders including but not limited to Supreme Court Order No. 25700-B-618 (dated April 29, 2020), as amended or revised or reissued (in whole or part), are by this reference incorporated herein.

Dated this 12th day of May, 2020.



RICHARD M LELAND
Cheney Municipal Court Judge