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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:

10 NO: 2020-04

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

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15 Pursuant to GR 21 and the Washington State Supreme Court Order No. 25700-B-618
16 which grants emergency authority to this Court to adopt, modify, and suspend Court Rules and
17 Orders, and to take further actions concerning court operations, as warranted to address the current
18 state of emergency; and

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

23 WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency
24 for the United States due to the COVID-19 health threat; and

25 WHEREAS, on March 15, 2020 the CDC provided guidance that large events and
26 gatherings be canceled or postponed for eight (8) weeks.
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1 WHEREAS, on March 23, 2020, April 2, 2020, and May 1, 2020 the Governor of the State
2 of Washington added additional restrictions on the citizens of the State of Washington due to the
3 declared continued state of emergency concerning COVID-19; and

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5 WHEREAS, this Administrative Order is being issued in response to the outbreak of
6 Coronavirus Disease (COVID-19) in Washington State. Given the severity of risk posed to the
7 public, and given the above public health recommendations from local public health authorities;
8 and;

9 WHEREAS, conducting regular court hearings with large groups of persons in the court
10 room results in exposure to large groups of people which is contrary to the recommendations of
11 health authorities and contrary to the Governor's proclamations under the current state of
12 emergency; and

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14 WHEREAS, the Court seeks to limit the number of in person hearings/contacts during the
15 health emergency and to provide access to the court consistent with Supreme Court Order No.
16 25700-B-626 and No. 25700-B-631 addressing Jury Trials,

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18 IT IS HEREBY ORDERED that EFFECTIVE IMMEDIATELY, and UNTIL FURTHER
19 ORDER OF THE COURT:

20 Relating to COURT ADMINISTRATION

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- 22 1. The Court's Clerk window will be closed to the public until such time the State of
23 Washington moves to Phase 3 as Ordered by Governor Jay Inslee.
 - 24 2. Payments will continue to be accepted online, by mail, over the phone, and also by
25 depositing in the Court Drop Box located outside of the Court office. Credit Card fees
26 associated with online or phone payments are suspended until such time the State of
27 Washington moves to Phase 3 as Ordered by Governor Jay Inslee.
 - 28 3. The Court will maintain regular hours of operation unless otherwise amended by
further order and notice to the Administrative Office of the Courts.

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4. A Judicial Officer will be available for any necessary hearings by use of video or telephone appearances and other appropriate means. Jail bookings will be heard at Spokane County District Court or otherwise as appropriate.
5. Video Hearings will be conducted via Zoom with audio recording of the proceedings maintained by the court. The Public may see and hear via livestream on the Cheney Municipal Court You Tube channel. Those videos will only be available while the court is in session. Members of the public who wish to be present for court may contact the clerk for instructions about how to appear by video or telephone.
6. Emergency motions and agreed orders may be submitted by the parties to the Court by email, mail or, fax. An answer will be returned in the same manner a submitted.
7. Civil infraction mitigation or contested hearings will be conducted by mail or over the internet by use of the electronic hearing process. Contact the Clerk's Office for information about using the electronic hearing process.
8. Youth Court hearings are suspended until further order of the Court. Youth Court cases where hearings have not been held will be returned to the Municipal Court for adjudication.
9. Probation functions will generally be limited to telephonic or video meetings and all substance abuse monitoring will be addressed on a case by case basis and some in person meetings may be held by pre-scheduled appointment. Contact Probation at (509) 498-9260.
10. A Public Defender will be appointed to all in-custody defendants at no expense.
11. Defendants may apply for the Public Defender by contacting (509) 498-9231, or by email at: CourtClerk@cityofcheney.org .
12. All filings and public access to the court will be accepted via mail, email, fax, or by deposit in the Court Drop Box.

1 Phone: (509) 498-9231

2 Email at: CourtClerk@cityofcheney.org

3 Fax: (509) 498-9332

4 Mailing and Physical Address: 611 2nd St
Cheney, WA 99004

5 Relating to CRIMINAL MATTERS

- 6 13. All criminal jury trial scheduling has resumed.
- 7 14. Bench trials may be conducted remotely or in person with strict compliance with social
8 distancing or other public health measures.
- 9 15. Out of custody criminal matters will be heard via Zoom video, by telephone appearance
10 or in person when social distancing and required health mandates can be followed.
11 Telephone appearance is limited to pre-trial hearings. Defendants entering a plea of
12 guilt, appear for show cause, or other adjudication must appear by Zoom video or in
13 person.
- 14 16. Unless otherwise noted, the Court will hear in-custody cases at Spokane County
District Court jail docket through Zoom video, telephone, or other appropriate means.
- 15 17. CrRLJ 4.1(a)(2) regarding “speedy arraignment” is hereby suspended until further
16 order of this Court in accordance with the most recent Washington State Supreme Court
17 Order.
- 18 18. Scheduling of criminal matters has resumed. The clerk will notify the parties of a new
19 court date with notice sent by U.S. mail. Defendants may contact the Court to update
20 a mailing address by telephone at (509) 498-9231 or by email at
CourtClerk@cityofcheney.org.
- 21 19. CrRLJ 3.3(e)(8): All continuances granted and matters ordered rescheduled by the
22 Court while this order is in effect shall be “excluded periods” for the purpose of
23 calculating time for trial in accordance with the most recent Washington State Supreme
24 Court Order.
- 25 20. Defense counsel are not required to obtain signatures from defendant’s for continuance
26 until such time the State of Washington moves to Phase 3 as Ordered by Governor Jay
27 Inslee.
- 28 21. Attorneys of record will be notified by the Clerk of rescheduled court hearings.
22. Attorneys are encouraged to submit agreed orders for off-docket review to the Court
where appropriate accepted by US mail, email, fax or court drop box.

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2 23. All warrant bookings will be reviewed by a judicial officer to determine whether release
3 is appropriate and when the matter should be scheduled.

4 24. The Court reserves the right to maintain or schedule hearings in criminal matters for
5 cases involving threats to public safety: including but not limited to domestic violence
6 offenses and driving while under the influence / physical control.

7 25. Any substantive or emergent motions will be filed with the Court. A determination will
8 be made about time, method and place of hearing and notice given to attorneys and
9 defendants by phone, email, fax or US mail if time permits.

10 26. A defendant may contact the Court by email or telephone to quash a bench warrant
11 and schedule a court date by phone at (509) 498-9231 or by email at
12 CourtClerk@cityofcheney.org. The request will be heard ex-parte by the Court. The
13 defendant shall provide a current mailing address, and if applicable a phone number
14 and email address.

15 27. All persons ordered to check in with probation shall do so via telephone by calling
16 (509) 498-9260.

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

18 1. A protected party may request forms by mail, or by calling or emailing the clerk at
19 (509) 498-9231 or emailing: CourtClerk@cityofcheney.org . The Clerk will mail or
20 email the necessary forms to the protected party. The forms may be returned to the
21 Court for filing via mail, email, fax, or deposit in the Court Drop Box. A telephonic or
22 video hearing will be set after the forms are returned and filed. Notice will be sent in
23 the same manner received. If the filing came by deposit in the Court Drop Box notice
24 will be mailed.

25 2. Motions to remove or modify No Contact Orders will be scheduled at a place, time and
26 by method determined by the judge. The attorneys, defendant, and protected party may
27 each appear by telephone or video. The Clerk will send notice by US Mail with
28 instructions.

3. Decisions will be mailed to the parties by the Clerk.

Relating to CIVIL INFRACTION MATTERS

- 1 1. Operation of IRLJ 2.6 and GR 2.6 are hereby suspended until further Order of the Court.
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- 3 2. The clerk of the Court will send written notice to all parties. Parties have the option to
- 4 submit a written statement or use the electronic hearing process IRLJ 3.5. Contact the
- 5 clerk's office for information about using the electronic hearing process at (509) 498-
- 6 9231.
- 7
- 8 3. Effective immediately, all new requests for in-person mitigation or contested court
- 9 hearings on civil infractions shall be scheduled for a date after such time the State of
- 10 Washington moves to Phase 3 as Ordered by Governor Jay Inslee.

11 This Order may be amended or withdrawn as warranted to address the on-going public health

12 emergency.

13 Any Court Rules which are inconsistent with this Order are suspended while this Order remains in

14 effect.

15 Supreme Court Order No. 25700-B-626 and No. 25700-B-631 are hereby incorporated herein.

16 Dated this 20th day of July 2020.



17 RICHARD M LELAND
18 Cheney Municipal Court Presiding Judge