

**Spokane Municipal Court
City of Spokane, State of Washington**

IN RE THE MATTER OF:
THE RESPONSE BY SPOKANE
MUNICIPAL COURT TO THE PUBLIC
HEALTH EMERGENCY IN THE STATE OF
WASHINGTON

No: 2020-19

**FOURTH SUPERSEDING
EMERGENCY ORDER RE:
COURT OPERATIONS
CRIMINAL MATTERS**

This matter comes before the Court as a result of the public health emergency in Washington State. The actions set forth herein will take effect immediately, and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

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 Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

“WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate or otherwise significantly modify their regular operations; and

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

NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, IT IS HEREBY ORDERED THAT:

1. The Presiding Judges of the Washington courts are authorized 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;
2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;
3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with the clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable”

4. WHEREAS on March 18, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-606 Order resulting in various delays in civil and criminal cases beyond April 24, 2020, and modifying rules regarding, time for trial, commencement date calculations, settings of arraignment, the issuance of ex parte NCO, waving various signature requirements from defendants, and delaying all civil matters;
3. WHEREAS on March 13, 2020, President Donald J. Trump declared a national state of emergency related to COVID-19 and expanded that declaration on March 16, 2020, by issuing guidelines limiting assemblies of groups over 10 people;
4. WHEREAS on March 13, 2020, Governor Jay Inslee expanded a previously declared emergency in several western Washington counties to the entire State of Washington and ordered all K-12 public schools closed until April 24, 2020;
5. WHEREAS on March 14, 2020, the Spokane Regional Health District determined that there are presently three confirmed cases of COVID-19 in Spokane County and likely more; and
6. WHEREAS on March 15, 2020, the Court was notified by the Spokane County Detention Services that it has declared a state of emergency and is requesting all jurisdictions that use its detention facilities to consider all mechanisms for reducing the population in that facility and minimizing jail transport requirements;
7. WHEREAS on April 2, 2020, Governor Jay Inslee issued Proclamation 20-25.1 extending the provisions of Proclamations 20-05 and 20-25 related to the Governor's Stay Home – Stay Healthy policy until May 4, 2020;
8. WHEREAS on April 6, 2020, Governor Jay Inslee issued Proclamation 20-09 closing schools through the end of the current school year; and
9. WHEREAS on April 13, 2020, the Washington State Supreme Court issued Revised and Extended Order Regarding Court Operations No. 25700-B-615, extending provisions of the Court's previous emergency order until May 4, 2020.
10. WHEREAS on April 29, 2020, the Washington State Supreme Court issued Revised and Extended Order Regarding Court Operations No. 25700-B-618, extending and revising provisions of the Court's previous emergency.
11. WHEREAS on September 10, 2020, the Washington State Supreme Court issued another order extending excluded period in calculating time for trial, and adopting related emergency measures No. 25700-B-642.
12. WHEREAS on October 13, 2020, the Washington State Supreme Court issued a Fourth Revised and Extended Order Regarding Court Operations, No. 25700-B-646.

Given the significant number of projected cases of COVID-19 likely to occur in the City of Spokane and the severity of risk posed to the public, court personnel and litigants, and given the recommendations from local, state, and federal public health officials;

IT IS HEREBY ORDERED that pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602, No. 25700-B-606, No. 25700-B-615, No. 25700-B-618, No. 25700-B-642 and the authority as Presiding Judge of the Spokane Municipal Court, Spokane Municipal Court Emergency Order 2020-02, Spokane Municipal Court Emergency Order 2020-05, Spokane Municipal Court Emergency Order 2020-06, Spokane Municipal Court Emergency Order 2020-09 are hereby modified as follows, effective immediately.:

A. General Provisions Effective Immediately

1. The Court is suspending application of CrRLJ 3.3 in accordance with the provisions of Washington State Supreme Court Order No. 25700-B-642 and shall remain suspended for the duration of the Governor's state of emergency in response to the COVID-19 pandemic,
2. For those matters rescheduled, the time period between now and the rescheduled court date is EXCLUDED from speedy trial calculation pursuant to CrRLJ 3.3(e)(8). Consistent with Washington State Supreme Court Order No. 25700-B-642, the time period between May 29, 2020 and the next scheduled court hearing after October 15, 2020 shall be EXCLUDED when calculating the time for trial. After October 15, 2020, the Court may further exclude time under these rules based on individual findings of "unavoidable circumstances" due to COVID-19 or other circumstances. See Washington State Supreme Court Order 25700-B-646.
3. For those defendants who fail to appear for hearings, consistent with the State Supreme Court Order No. 2570-B-618, bench warrants should not be issued, however if the court finds sufficient basis that failure to issue said warrant will constitute an unreasonable danger to public safety or the administration of justice the court may issue a bench warrant. CrRLJ 2.2(g) remains suspended for the duration of the Governor's state of emergency in response to the COVID-19 pandemic.
4. In those circumstances where a warrant is not issued, probable cause will be determined, and the matter placed on an administrative review docket for determination regarding the propriety of a bench warrant at the time of the administrative review.
5. Pursuant to Washington State Supreme Court Order No. 25700-B-642, 25700-B-646 an attorney's signature on an order to continue constitutes a representation that the client has been consulted and agrees to the continuance.
6. Pursuant to Washington State Supreme Court Order No. 25700-B-642, 25700-B-646 in all criminal matters the Court shall allow attorneys to waive their clients' presence unless their presence is deemed necessary by the Court.

The Court reserves the right to maintain or schedule any in person hearing type it may deem necessary in cases involving threats to public safety, including but not limited to domestic violence offenses and driving while under the influence / physical control and to require the physical presence of the defendant at such hearings.

- B. Rules: Any Spokane Municipal Court Local Rules or State Court Rules that are inconsistent with the provision of this Emergency Order are suspended during the effective time of this Order.

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

DATED THIS 26th day of October, 2020

MATTHEW W. ANTUSH, Presiding Judge