

FILED
MAR 17 2020
JILL E. WHELCHER
WHITMAN COUNTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR WHITMAN COUNTY**

No.: 2020-5001-38-A

IN THE MATTER OF THE RESPONSE BY
WHITMAN COUNTY SUPERIOR COURT TO
THE PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

EMERGENCY ORDER NUMBER 1

1. CONTINUING ALL JURY TRIALS FOR ALL CASE TYPES THROUGH APRIL 30, 2020
2. RULING ON SPEEDY TRIAL FOR ALL CRIMINAL CASES

This matter comes before the court on the public health emergency in Washington State caused by the Covid-19 virus.

I. FINDINGS OF FACT BASED ON THE PUBLIC RECORD

1. March 11, 2020, the World Health Organization declared Covid-19 to be a global pandemic; and
2. March 13th, 2020, the President of the United States declared a National Emergency in response to COVID-19; and
3. On February 29th, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus disease 2019 (COVID-19), and has since issued over a dozen proclamations, including but not limited to the following:
 - A. March 13th, 2020 Washington State Governor Jay Inslee signed a Proclamation closing all public and private schools within the State for a period of six weeks; and further banning all events and gatherings of 250 persons or more within the State; and

1 B. March 16, 2020, Washington State Governor Inslee delivered yet another
2 Declaration of Emergency: limiting all gatherings to 50 or less; and
3 temporarily shutting down restaurants, bars, entertainment and recreational
4 facilities.

5 4. The Whitman County Public Health and the Center for Disease Control have both
6 recently recommended that people at higher risk of severe illness should stay home
7 and away from large groups of people as much as possible, including public places
8 with lots of people and large gatherings where there will be close contact with others.
9 This includes concert venues, conventions, sporting events, and crowded social
10 gatherings. These health officials identify people at high risk as including people:

- 11 ➤ Over 60 years of age
- 12 ➤ With underlying health conditions including include heart disease, lung
13 disease, or diabetes
- 14 ➤ With weakened immune systems
- 15 ➤ Who are pregnant

16 5. Social Distancing has been recommended to curb the spread of Covid-19, which
17 requires not only limiting the number of people in a gathering, but also creating a
18 certain amount of distance between individuals,

19 6. Jury Service in the Whitman County Superior Court necessarily involves
20 congregating in relatively close proximity groups of persons who come to court in
21 response to a summons. This takes the form of 30-50 jurors sitting “shoulder to
22 shoulder” in the Superior Court Courtroom, the hallways, and does not account for
23 attorneys, witnesses, participants, and court staff making social distancing nearly
24 impossible; and

25 7. Regular Court hearings in the Whitman County Superior Court necessarily involves
congregating in relatively close proximity groups of persons who come to court in
response to a summons, and/or in order to observe court proceedings; and

8. On March 4th, 2020, Washington Supreme Court Chief Justice Debra Stephens
entered an Emergency Order that states, in relevant 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, presiding judges in these counties need sufficient authority to
effectively administer their courts in response to this state of emergency,
including authority 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,

1 IT IS HEREBY ORDERED THAT:

- 2
- 3 • 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;
 - 4 • 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;
 - 5 • 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.
 - 6 • Each court shall, as soon as practicable, publish in full all rules or orders adopted or modified to address this public health emergency on its local website.
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10 9. The public health emergency is an unavoidable and unforeseen circumstance as contemplated by CrR 3.3(e)(8);

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12 10. Due to the public health emergency, all jury trials from the current date to at least May 1, 2020 should be continued;

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14 **II. CONCLUSIONS OF LAW**

- 15 1. The Court has authority to continue all jury trials, and related hearings; and
- 16 2. Any delay caused by such continuance shall be excluded in computing the time for trial under CrR 3.3, as authorized by CrR 3.3(e)(8).
- 17

18 **III. ORDER**

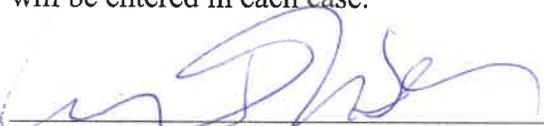
19 It is therefore hereby ORDERED that all criminal readiness hearings and jury trials in Whitman County currently set for the period of March 16, 2020 through April 30, 2020, are hereby continued for a scheduling hearing to Friday May 1, 2020 at 9:00AM for in-custody matters, and 10:30AM for any cases where the defendant is not in custody.

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21 It is further ORDERED the time period from the date of this order to May 1, 2020 shall be excluded in computing the time for trial pursuant to CrR 3.3(e)(8).

22 It is finally ORDERED that individual order will be entered in each case.

23 Dated this 16th day of March, 2020.

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25 Presiding Judge
Whitman County Superior Court