

**IN THE MUNICIPAL COURT FOR THE CITY OF ZILLAH
COUNTY OF YAKIMA, STATE OF WASHINGTON**

IN RE THE MATTER OF EMERGENCY RESPONSE TO THREAT OF PUBLIC HEALTH	ADMINISTRATIVE ORDER NO. 2020-2
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WHEREAS, the Washington State Supreme Court issued second revised and extended order regarding court operations Order No. 25700-B-618 on April 29, 2020 requiring Courts in the State of Washington to modify their operations to respond to the public health crisis relating to the COVID-19 outbreak in Washington State, and consistent with that Order, this COURT HEREBY ORDERS:

1. All criminal trials are suspended until at least July 6, 2020. For all criminal trials suspended under this provision, September 1, 2020 will be the new commencement date under CrRRLJ 3.3.
2. All **out of custody** matters already pending shall be continued to June 10, 2020.
3. Out of custody arraignments already scheduled for the June 10, 2020 court shall remain scheduled. All preliminary hearings scheduled for June 10, 2020 will be rescheduled and notice will be sent by the court. Good cause exists under CrRLJ 4.1 to extend the arraignment date. The new arraignment date shall be considered the "initial commencement date."
4. Out of custody first appearance hearing shall be set for July 8, 2020. Any out of custody first appearances already scheduled for court shall be continued to July 8, 2020.
5. The Court will consider motions for the issuance of ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085 and/or RCW 9A.46.040, when information, citation, or complaint is filed with the court and the court finds that probably cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving the knowing violation of such ex parte order in any prosecution for violating the order. Good cause exists for courts to extend the orders beyond the initial period until a hearing can be held.
6. All **in custody** criminal matters will be continued to June 10, 2020, except for the following hearings where the defendant is being held in-custody on a case filed in Zillah Municipal Court:
 - a. First appearance

- b. Arraignment
 - c. Pre-trial release or bail modification motion
 - d. Plea hearing and sentencing hearings where it is anticipated that the defendant would be release from custody within 30 days of the hearing.
- 7. A continuance of these criminal hearings and trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by the COVID-19 is good cause to continue criminal jury trials and criminal hearings, 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 pre-trial hearing or trial date, whichever occurs earlier, are excluded when calculating time for trial. CrRLJ 3.3(e)(3)
- 8. The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders and all attorneys who must enter correction facilities to obtain signatures in person. Therefore, for all matters normally requiring defendants' signatures on notices for court appearances, this Order serves to continue those matters without need for further written order. Additionally:
 - a. Defense counsel is not required to obtain signatures from defendants on orders continuing criminal matters consistent with this Order. The Court will send defendants notice via mail for their future court hearings.
 - b. The Court will provide notice of new hearing dates to defense counsel and unrepresented defendants.
 - c. Defense counsel shall provide notice to defendants of new court dates.
- 9. Bench warrants may issue for violations of conditions of release from the date of this Order. However, the Court will not issue bench warrants for failure to appear in-person for court hearings unless necessary for the immediate preservation of public or individual safety. For the arrested on an outstanding warrant, the Judge will review those booked to determine whether release is appropriate and when the matter should be rescheduled.
- 10. The Court will hear motions for pre-trial release on an expedited basis without the need for a motion to shorten time, only if victims or witnesses, if applicable, can participate on an expedited basis.
- 11. Parties may present agreed order for release of in-custody defendants which will be signed expeditiously.
- 12. If a bail hearing is required for a vulnerable or at-risk person affected by COVID-19, the Court shall hold such hearing in an expedited manner, but no less than 5 days from the request.
- 13. The Court will allow for telephonic or video appearances for all scheduled criminal hearings from the date of this Order until further notice, unless it is impossible to do so. For all hearings that required a critical stage of the proceedings, the Court shall provide a means for the defendant to have the opportunity for private and continual

discussion with his or her attorney. Telephonic, video or other hearings required to be public will be recorded and preserved.

14. All infraction hearings will be rescheduled to a later date. The Court will send notice to parties with their future court date. Parties will still have the options to submit a written statement in lieu of rescheduled hearings.
15. Zillah Municipal Court remains open and operational to the public. Payment will still be accepted during regular court hours and online. The Clerk will be available by telephone, and both mail and email will be received.

Mailing Address: PO Box 388, Zillah Wa. 98953

Phone: 509-829-3543

Email: tracie.palomarez@mail.courts.wa.gov

16. The Court calendar scheduled for May 13, 2020 is cancelled for all out of custody matters. If there is an defendant who is in-custody on a Zillah Municipal Court case and has a regularly scheduled pre-trial hearing, the Court will hear that case on July 8, 2020.
17. The Court will continually assess the need for additional modifications to this Order and Court operations to effectuate the need to ensure the safety of the public, court staff and litigants.
18. To effectuate these continuances implemented by this Order, CrRLJ 3.3, CrRLJ 4.1 and IRLJ 2.6, and any related rules related to time are hereby suspended. This Court specifically finds that the ends of justice served by the continuance outweighs the best interest of the public and Defendant's right to a speedy trial or hearing due to the unforeseen and unavoidable circumstances caused by the health emergency.

April 29, 2020

Therese Murphy
Zillah Municipal Court Judge