IN THE MUNICIPAL COURT
FOR THE CITY OF FIRCREST
FOR THE CITY OF RUSTON

COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS	))))	ADMINISTRATIVE ORDER No. 2020-05 Rescheduling of Hearings and Other Changes to Court Operations

WHEREAS, the Chief Justice of the Supreme Court of the State of Washington has issued an emergency order in response to the public health emergency that affects operations of trial courts in Washington State on March 4, 2020;

WHEREAS, the public health emergency as declared by Washington State Governor Jay Inslee on February 29, 2020 and has extended the "Stay Home, Stay Healthy" emergency order through May 31, 2020;

WHEREAS, the Washington State Supreme Court has adopted Orders No. 25700-B-602, 25700-B-606, 25700-B-607, 25700-B-618, 25700-B-615 25700-B-625 and 25700-B-642 granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS, the Fircrest-Ruston Municipal Court facility is ill-equipped to effectively comply with social distancing and other public health requirements;

WHEREAS, Fircrest-Ruston Court operates in a shared facility with members of the vulnerable population and must operate in cooperation with other departments that are not able to open until Pierce County has been designated Phase 3 and Phase 4 of the State of Washington's phased reopening plan;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All pending Criminal matters scheduled must appear per the electronic platform and at the specific date and time listed on the summons. Remote criminal hearings will be held through December 31, 2020 to address the threat to public health. The courts shall livestream the remote hearings via YouTube. No one shall record the remote hearings or the livestreamed capture of the court hearings. The court's audio recording continues to be the official record of the hearing.

    a. Except for DUI/Physical Control or Domestic Violence cases which shall be heard in the normal course, all other cases filed between March 18, 2020 and July 3, 2020 may be deferred until a date of 45 days after filing of charges. Good cause exists under CrRLJ 4.1 to extend arraignment dates. The new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrRLJ 3.3 (c)(1). This Administrative Order suspends to requirement under CrRLJ 4.1 (a)(2) the defendants "shall be arraigned not later than 14 days after that appearance which next follows the filing of the complaint or citation and notice, if the defendant is not detained in such jail or subject to such conditions of release."

2. Civil infraction hearings will be conducted by mail until December 31, 2020 to address the threat to the public health.

3. Jury trials are suspended through October 15, 2020. Jury trials will be reset subsequent to that date by future court order. The period of the continuances implemented by this Administrative Order will be excluded for calculation of speedy trial as the court specifically finds this to be an excluded period under CrRLJ 3.3(e)(8).

4. Continuances pursuant to this Administrative Order of criminal cases in pre-trial status shall be "excluded periods" under CrRLJ 3.3 (e)(8) unavoidable or unforeseen circumstances in computing the time for trial and/or the Administrative Order suspends the right to a speedy trial under CrRLJ 3.3 (b).

5. The Court will hear in-custody cases and other emergency matters as necessary to preserve defendants' constitutional rights. The Court reserves the right to maintain or schedule arraignments, pretrial hearings, or reviews/revocation hearings as necessary, in cases involving threats to public

safety, including but not limited to domestic violence offenses and driving while under the influence/physical control.

6. Notice for future dates for all cases delayed by this order will be mailed to the parties via U.S. mail or electronic mail if available. Any party needing to update a mailing address should contract the Court at (253) 564-8922 or via email at fircrest.municipal@mail.courts.wa.gov.

7. The court will continue to consider submitted agreed motions and orders, which may be submitted by email, fax or via US Mail.

8. As articulated the Supreme Court Order 25700-B-625, the court will accept electronic signatures. The court will not require defendant or respondent to sign court or notices. Instead, the order, docket, and audio record of the court hearing can document that notice was provided to the defendant or respondent. Any hearing that requires the defendant or respondent to make a declaration under penalty or perjury under the laws of the State of Washington shall be conducted by the court the defendant on the record.

9. All vehicle impounds will be handled directly through the tow company. FMC 9.10.020 is suspended until further Order of the Court.

10. The Court Clerk's office will be closed to the public March 17, 2020 until further Order of the Court. Court staff will be available during regular business hours by telephone and via email at fircrest.municipal@mail.courts.wa.gov

11. Payments will continue to be accepted online via nCourt, by phone via nCourt, by US mail and via the court's drop boxes outside each entrance of Fircrest City Hall building.

12. This order will stay in effect until otherwise ordered by the court, or until superseded by a Washington State Supreme Court order. This Order and other applicable emergency orders may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case, and all-time frames previously extended may be deemed further extended by this order. This order may be amended or withdrawn as warranted to address the on-going public health emergency.

DATED this 15th day of September, 2020.

John A. Miller, Presiding Judge