

**Municipal Court of Washington  
for the City of Pasco**

In re:

COURT OPERATION UNDER THE  
EXIGENT CIRCUMSTANCES  
CREATED BY COVID-19 AND THE  
RELATED CORONAVIRUS

ADMINISTRATIVE ORDER No. 20-05;  
REGARDING THE EMERGENCY  
ADMINISTRATATION OF THE COURT AND  
JURY TRIALS

WHEREAS, the Washington State Supreme Court has adopted Order Nos. 25700 – B – 602 through B – 646, granting emergency authority to this court to adopt, modify and suspend court rules and orders, and taking further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, Governor Inslee, in Proclamation 20-70, issued on August 26, 2020, ordered that a State of Emergency continues to exist in all counties in the State of Washington; and

WHEREAS, the Benton Franklin County Health District continues to report positive for COVID – 19 test results; and

WHEREAS, this Court and the City of Pasco, in their continuing assessment of the needs of the community, the safety and health of the public and its employees, has determined that the previous orders should be modified and/or amended to meet those changing needs; and

WHEREAS, on November 15, 2020, Governor Inslee instituted a statewide set of restrictions in response to the recent rapid spread of the COVID-19 virus in the State of Washington; and

WHEREAS, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings;

IT IS HEREBY ORDERED:

### IN GENERAL

1. The previously imposed closures and social distance requirements remain indefinitely until such time this Court issues additional orders effecting this State of Emergency.
2. The courtroom remains open to the public, and the doors unlocked, during every hearing that is conducted. Proper social distancing, including the wearing of masks, will be observed. Taking into consideration the size of Pasco Municipal Courtroom A and the social distancing guidelines/requirements, no more than 20 people, including the judge, clerks, attorneys, defendants and spectators will be allowed in the courtroom at one time.
3. The Pasco Municipal Court Clerk's Office remains open and available to assist the public, other departments and agencies via telephone and email. The clerk's office will continue to take payments via N-Court in the lobby and checks and money orders through the mail or through the drop box located around the corner from the Clerks' Windows. The public window will continue to be open during the following hours: Monday, Tuesday and Wednesday from 1:30 pm to 3:30 pm. Thursday and Friday from 9:00 am to 12:00 pm indefinitely, until modified by this court. Clerks will be answering the phones during regular office hours from 8:30 am to 12:30 pm and 1:30 pm to 4:00 pm Monday through Friday, except holidays.
4. During hearings conducted either in person, because the defendant is in custody, or telephonically or by video, original signatures will not be required on documents, except for Statements of Defendant on Plea of Guilty. For in person hearings, the judge will confirm on the record that the document was reviewed by the defendant and a copy is being provided to the defendant. The document will be marked with the phrase "Served in Court" or "Acknowledged in Court" as appropriate. Attorneys can file, by fax or electronically, documents with photocopied or electronic signatures so long as the document with the copy or electronic signature is accompanied by a statement executed by the attorney of record that the signature is either his/her signature or that of his client. The attorney will retain the original for filing if necessary. The Court will confirm on the record in the telephonic or video hearing the assertion that the defendant or attorney signed the proposed document.

### WITH RESPECT TO JURY TRIALS

5. All jury trials currently scheduled through January 6, 2021 will be rescheduled. No jury trials will be held in December, 2020. Counsel with trials set in December, 2020 and on January 6, 2021 are encouraged to communicate with each other to reach an agreement regarding new dates and notify the court at least one week prior to the trial readiness hearing currently scheduled. If the parties cannot reach an agreement, the court will conduct a hearing to address the trial date at the scheduled trial readiness hearing.
6. This Court finds that the local continuing serious danger posed by COVID-19 constitutes good cause to continue criminal trials and thus constitutes a continuing unavoidable circumstance under CrRLJ 3.3(e)(8), therefore; in addition to the time already excluded by prior orders of this court and the Washington Supreme Court, the time between October 31, 2020 and January 4, 2021, shall be EXCLUDED when calculating time for trial.
7. Obtaining signatures from defendants for orders continuing existing trials places significant burdens on attorneys, particularly public defenders and all attorneys that must enter correctional facilities to obtain signatures in person. Therefore, those matters can be continued without the need for further written orders. Additionally:
  - a. Defense Counsel is not required to obtain signatures from defendants on orders to continue criminal matters through January 4, 2021.
  - b. The Clerk shall provide notice of the new hearing dates to defense counsel and unrepresented defendants.
  - c. Defense Counsel shall provide notice to their client of the new court date.
8. Bench Warrants will be issued for violations of conditions of release. However, warrants will not be issued for failures to appear unless the defendant has history including failure to appear, the defendant has failed to provide a valid and recent address to the court and when necessary for the immediate preservation of public or individual safety.

This court may amend or modify these orders consistent with the City's and the Court's continual assessment of the needs of the community as well as the recommendation of the Governor's Office, City Manager and public health officials.

Dated: 12-3-2020

  
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Pasco Municipal Court Judge