

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

In re:

PASCO MUNICIPAL COURT'S
RESPONSE TO PUBLIC HEALTH
EMERGENCY CREATED BY COVID-19
AND THE RELATED CORONAVIRUS

ADMINISTRATIVE ORDER No. 21-01;
REGARDING THE EMERGENCY
ADMINISTRATATION OF THE COURT AND
SUSPENSION OF JURY TRIALS

WHEREAS, the public health emergency in Washington has continued to evolve and require modification of prior orders and the Court incorporates the factual record of prior emergency administrative orders by the Supreme Court of the State of Washington and Executive Branch;

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;

WHEREAS, the Franklin County Superior Court has issued Emergency Order #5H, setting forth findings and reason to postpone all jury trials through February 1, 2021;

IT IS HEREBY ORDERED:

IN GENERAL

1. NO CHANGES ARE MADE TO PARAGRAPH 1 OF ADMINISTRATIVE ORDER 20-05.
2. NO CHANGES ARE MADE TO PARAGRAPH 2 OF ADMINISTRATIVE ORDER 20-05.
3. NO CHANGES ARE MADE TO PARAGRAPH 3 OF ADMINISTRATIVE ORDER 20-05.
4. NO CHANGES ARE MADE TO PARAGRAPH 4 OF ADMINISTRATIVE ORDER 20-05.

WITH RESPECT TO JURY TRIALS

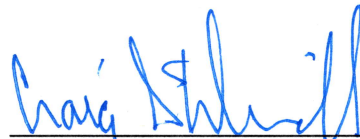
5. All jury trials currently scheduled through February 03, 2021 will be rescheduled. No jury trials will be held in January, 2021. Counsel with trials set in January and on February 3, 2021 are encouraged to communicate with each other to reach an agreement regarding new dates and notify the court at 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 public health emergency as addressed in the findings of Franklin County Superior Court Emergency Order 5H, signed on December 31, 2020, 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 January 4, 2021 and February 03, 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 February 03, 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: _____

1.5.2021



Pasco Municipal Court Judge