

FILED  
IN COUNTY CLERK'S OFFICE

MAR 17 2020

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY KSA DEPUTY

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5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
6 COUNTY OF PIERCE  
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9 IN THE MATTER OF THE RESPONSE  
10 BY THE SUPERIOR COURT OF THE  
11 STATE OF WASHINGTON, COUNTY OF  
PIERCE, TO THE PUBLIC HEALTH  
EMERGENCY IN WASHINGTON STATE

Emergency Order: 20-05

EMERGENCY **ORDER #5**  
PUBLIC HEALTH EMERGENCY  
ORDER REGARDING OPERATIONS

12 WHEREAS, On February 29, 2020, Governor Jay Inslee declared a state of  
13 emergency in all counties in the state of Washington due to the public health emergency  
14 caused by the Coronavirus Disease 2019 ("COVID-19"); and

15 WHEREAS, On March 4, 2020 the Supreme Court of the State of Washington  
16 issued ORDER No. 25700-B-602 that the Presiding Judges of the Washington courts are  
17 authorized to adopt, modify, and suspend court rules and orders, and to take further actions  
18 concerning court operations, as warranted to address the current public health emergency;  
19 and

20 WHEREAS, On March 12, 2020, Governor Jay Inslee ordered all Washington  
21 schools, public and private, and all Washington universities, public and private, closed  
22 through April 24, 2020; and  
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1           WHEREAS, On March 16, 2020, Governor Jay Inslee ordered closure of all  
2 Washington bars, restaurants, clubs, entertainment venues, faith-based organizations and  
3 facilities, and other similar organizations and venues through March 31, 2020; and

4           WHEREAS, On March 16, 2020, Governor Jay Inslee ordered that gatherings in  
5 the State of Washington are to be limited to no more than 50 people through March 31,  
6 2020; and

7           WHEREAS, During this state of emergency, it may become necessary for courts to  
8 close, relocate, or otherwise significantly modify their regular operations; and

9           WHEREAS, The Acting Presiding Judge in Pierce County has sufficient authority  
10 to effectively administer the Superior Court in response to this state of emergency including  
11 authority to adopt, modify, and suspend court rules and orders and to take further actions  
12 concerning court operations as warranted to address the emergency conditions.

13           NOW, THEREFORE, pursuant to the Superior Court's authority to administer  
14 justice and to ensure the safety of court personnel, litigants, and the public,

15           IT IS HEREBY ORDERED THAT:

- 16           1. All jury trials are suspended until after April 24, 2020, except trials already in  
17           session where a jury has been sworn.
- 18           2. All **out-of-custody** criminal matters already pending shall be continued to  
19           after April 24, 2020. Arraignment on out of custody cases filed between  
20           today's date and April 1, 2020, shall be deferred until a date 45 days after the  
21           filing of charges. Good cause exists under CrR 4.1 to extend the arraignment  
22           dates. The new arraignment date shall be considered the "initial  
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1 commencement date” for purposes of establishing the time for trial under CrR  
2 3.3(c)(1).

3 3. All **in-custody** criminal matters shall be continued to after April 24, 2020,  
4 with the following exceptions:

5 a. Scheduling and hearing of first appearances, arraignments, plea  
6 hearings, criminal motions, and sentencing hearings.

7 b. Courts retain discretion in the scheduling of these matters, except that  
8 the following matters shall take priority:

9 i. Pretrial release motions.

10 ii. Plea hearings and sentencing hearings that result in the  
11 anticipated release of the defendant within 30 days of the  
12 hearing.

13 iii. Parties are not required to file motions to shorten time in  
14 scheduling any of these matters.

15 4. The Court concludes that a continuance of these criminal hearings and trials is  
16 required for the administration of justice. Based upon the Court’s finding that  
17 the serious danger posed by COVID-19 is good cause to continue criminal jury  
18 trials and constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time  
19 between the date of this order and the date of the next scheduled trial date are  
20 EXCLUDED when calculating time for trial. CrR 3.3(e)(3).

21 5. The Court finds that obtaining signatures from defendants for orders  
22 continuing existing matters places significant burdens on attorneys,  
23 particularly public defenders, and all attorneys who must enter correctional  
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1 facilities to obtain signatures in person. Therefore, for all matters covered in  
2 Sections 1 and 2, this Order serves to continue those matters without need for  
3 further written orders. Additionally:

- 4 a. Defense counsel is not required to obtain signatures from defendants  
5 on orders to continue criminal matters through April 24, 2020.
- 6 b. Superior Court Administration is directed to provide notice of new  
7 hearing dates to unrepresented defendants.
- 8 c. Defense counsel is directed to provide notice to defendants of new  
9 court dates.
- 10 6. Bench warrants may issue for failure to appear at first appearances,  
11 arraignments, pleas, motions, and sentencings from now through April 24,  
12 2020.
- 13 7. Motions for Pre-Trial Release:
- 14 a. Courts may agree to hear motions for pre-trial release on an expedited  
15 basis without requiring a motion to shorten time, but only if victims or  
16 witnesses can attend on an expedited basis.
- 17 b. The Court finds that the COVID-19 crisis might constitute a "material  
18 change in circumstances" under CrR 3.2(k)(1) and "new information"  
19 allowing amendment of previous bail orders or providing different  
20 conditions of release under CrR 3.2(k)(1), but a finding of changed  
21 circumstances in any given case is left to the sound discretion of the trial  
22 court.
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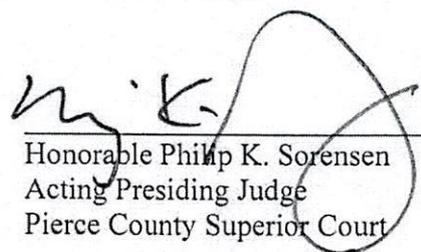
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c. Parties may present agreed orders for release of in-custody defendants, which shall be signed expeditiously.

d. If a hearing is required, the Court shall use its discretion on when to schedule a hearing depending on the availability of witnesses and victims.

8. Courts are encouraged to consider allowing telephonic or video appearances for all scheduled criminal hearings between now and through April 24, 2020.

DATED at Tacoma, Washington this 17 day of March, 2020.

  
\_\_\_\_\_  
Honorable Philip K. Sorensen  
Acting Presiding Judge  
Pierce County Superior Court

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