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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF: Emergency Response to a) EMERGENCY
Threat to General Public Health and Welfare,) ADMINISTRATIVE ORDER
Caused By the Coronavirus Disease 2019) NO. 5
("COVID-19"))

WHEREAS, on March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State;

WHEREAS, our community has experienced a recent increase in the number cases of COVID-19 and public health officials are strongly recommending residents avoid social contact to the extent possible in an attempt to slow the transmission of the disease;

WHEREAS, the Court finds that based on the current COVID 19 positive rate in Douglas County the health and safety of the public, the parties to any litigation in this Court, the employees of the Court and the employees within the law enforcement community are at risk by said pandemic; and

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

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2 IT IS HEREBY ORDERED THAT:

3 1. This Court hereby incorporates by this reference any and all findings set forth
4 in this Court's previously issued Emergency Administrative Order Nos. 1, 2, 3 and 4; the
5 Washington Supreme Court's various COVID-19 related Orders in response to the COVID-
6 19 public health emergency including Order No. 25700 entered March 4, 2020 and similar
7 Orders issued to date; and all findings of public health authorities or other third parties as
8 referenced in such Orders issued by this Court or by the Washington Supreme Court.

9 2. The provisions of this Court's Emergency Administrative Order Nos. 1, 2, 3
10 and 4 shall remain in full force and effect except as revised by the terms of this Emergency
11 Administrative Order No. 5.

12 3. As of October 22, 2020, Douglas County's most recent COVID-19 case count
13 had fallen to 131.2 per 100,000 population for the most recently reported two-week period
14 per the Chelan-Douglas Health District's website.

15 4. On October 28, 2020 the Washington State Department of Health (DOH)
16 released the latest statewide situation report on COVID-19 transmission, which shows a
17 general rise in the intensity of the epidemic in both western and eastern Washington. The
18 DOH report's findings include the following:

19 Though cases have been rising at a slower rate in eastern Washington, other
20 trends indicate a risk for faster growth in the future. The proportion of
21 positive tests to total tests is considerably higher in eastern Washington
22 than western Washington. Additionally, the case rate per person in eastern
23 Washington remains twice as high as in western Washington.

24 5. As of November 12, 2020, Douglas County's most recent COVID-19 case
count had increased to 320.1 per 100,000 population for the most recently reported two-
week period per the Chelan-Douglas Health District's website.

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2 6. According to Washington State Secretary of Health John Wiseman:

3 COVID-19 is currently spreading very quickly in Washington state.
4 We are concerned that disease transmission will grow over the next
5 few weeks with the holidays coming up. The threat to
6 overwhelming not just our hospital systems, but our ability to do
7 contact tracing, is real. We need everyone in Washington state to
8 take action now to stop the spread.

9 See Chief Justice Debra Stevens email to Presiding Judges in Washington state dated
10 November 12, 2020.

11 7. This Court finds that the Douglas County Courthouse located in Waterville,
12 Washington is not currently able to safely and appropriately accommodate jury trials at this
13 time. For example, given the space available in the courtroom it would be impossible to
14 accomplish social distancing with a minimum of six feet of separation at all stages of trials
15 and otherwise comply with established COVID-19 protocols. Steps are being taken to
16 prepare a potential alternative site for jury trials and bench trials, but such work is not yet
17 completed despite reasonable efforts to do so.

18 8. The Court finds that the serious danger posed by the virus COVID-19 is good
19 cause to continue criminal jury trials and bench trials and constitutes an unavoidable
20 circumstance affecting the time for trial beyond the control of the court or of the parties
21 pursuant to CrR 3.3(e)(8).

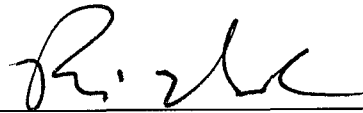
22 9. Based on the above finding of good cause to continue criminal jury trials and
23 bench trials due to unavoidable circumstances, the Court Orders that (a) there shall be no
24 criminal jury trials or bench trials scheduled to begin in this Court prior to January 13, 2021,
25 (b) any previously scheduled Trial Setting hearings in criminal cases shall go forward as
26 scheduled unless an agreed Order is entered prior to such Trial Setting hearing, and (c) the

1 time between the entry of this Order and the next scheduled trial date is EXCLUDED when
2 calculating time for trial. (CrR 3.3(e)).

3 **AMENDMENT OF THIS ORDER**

4 10. The Superior Court anticipates the need to amend and/or supersede this Order
5 as the COVID-19 public health emergency continues to develop and more information
6 becomes available.

7 DATED this 12th day of November, 2020.

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10 BRIAN C. HUBER
11 Judge of the Superior Court