

**Spokane Municipal Court
City of Spokane, State of Washington**

IN RE THE MATTER OF:
THE RESPONSE BY SPOKANE MUNICIPAL
COURT TO THE PUBLIC HEALTH
EMERGENCY IN THE STATE OF
WASHINGTON

No: 2021-01

**REVISED SIXTH SUPERSEDING
EMERGENCY ORDER RE:
COURT OPERATIONS
CRIMINAL MATTERS**

This matter comes before the Court on the public health emergency in Washington State. The actions set forth herein will take effect immediately and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

WHEREAS, the Governor of the State of Washington has declared a state of emergency in all counties of Washington due to the public health emergency caused by the Coronavirus Disease 2019 (COVID 19); and

WHEREAS, the Washington Supreme Court has adopted its Fourth Revised and Extended Order No. 25700-B-607, 25700-B-642, and 25700-B-646 all related to court operations and granting emergency authority to this court to adopt, modify and suspend court rules and order and to take further actions regarding court operations as warranted to address the current state of emergency; and

WHEREAS, on March 23, 2020, April 2, 2020 and May 1, 2020, the Governor of the State of Washington added additional restrictions on the citizens of the State of Washington due to the declared state of emergency concerning COVID 19 with his Proclamations; and

WHEREAS, the State of Washington and specifically Spokane County have experienced an exponential and unprecedented surge in new COVID 19 cases, the Governor of the State of Washington issued an Executive Order placing additional restrictions on the citizens of the State of Washington; and

WHEREAS, Paragraph 12 of the Supreme Court's Order 25700-B-646 states, "A continuance of these criminal ... hearings and trials is required in the administration of justice. Based upon the Supreme Court's finding that the serious danger posed by COVID 19 is good cause to continue criminal ... trials, and constitutes an unavoidable circumstance under ... CrRLJ 3.3(c)(8) After October 15, 2020, courts may further exclude time under these rules based on individual finding of 'unavoidable circumstances' due to COVID 19 or other circumstances."

WHEREAS, the Court has decided not to resume jury trials on the earliest possible date in March based upon the fact it is upgrading its electronic case management system on March 8, 2021, and the Court finds it appropriate to assure that system is functioning, stable, and ready to fully handle the Court's caseload prior to resuming jury trials.

NOW, THEREFORE, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY:

1. The Spokane Municipal Court makes an individual finding of unavoidable circumstance due to COVID 19 and further excludes time for trial until the next scheduled court hearing after March 11, 2021;
2. The intent of this order is to reduce the number of individuals coming to the courthouse. To the extent possible, only counsel and parties or witnesses will be permitted in the courtrooms. All others will be encouraged to observe court hearings via the livestream platform on YouTube;
3. To the extent possible, parties are strongly encouraged to appear remotely. Zoom videoconference links are available upon reasonable request prior to the hearing times.
4. Each judge in the Spokane Municipal Court shall exercise discretion in conformity with the intent of this order if a party is required to attend a hearing in person. In person attendance shall be determined on a case by case basis by each individual judge;
5. The definition of the phrase, “unless impossible to do so” relates to a party being unable to appear virtually via Zoom or telephonically, due to lack of access to an appropriate device or internet connection, or because a Judge has required the individual’s in person attendance at a hearing;
6. All jury trials will be continued until after March 11, 2021;
7. Except for the exceptions noted below, out of custody criminal hearings will be conducted remotely via Zoom or telephonically, until after March 11, 2021, unless impossible to do so;
8. In custody criminal hearings will continue to be conducted per current protocol, utilizing remote Zoom or telephonic hearings, unless impossible to do so;
9. Out of custody criminal arraignments for domestic violence (DV) and driving under the influence (DUI) cases will be conducted in person, unless prior arrangements have been made by the defendant or an attorney of record with the Court for a remote hearing via Zoom or telephonically;
10. Out of custody non DV matters, as well as cases with no charge of DUI, may have arraignments waived by the filing of an NOA by counsel, or may, should a pro se defendant request, have the appearance via Zoom;
11. Motions to modify or recall No Contact Orders may continue under the current protocol, however all parties are strongly encouraged to appear remotely via Zoom;
12. Bench trials and any ready hearing that may be associated therewith shall be in person; and
13. Spokane Municipal Court may adopt further restrictions as necessary to respond to the current state of emergency in order to mitigate the effect of COVID 19 and will do so by further court order

DATED THIS 8th day of January, 2021

MATTHEW W. ANTUSH, Presiding Judge