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YAKIMA MUNICIPAL COURT

IN THE MUNICIPAL COURT FOR THE CITY OF YAKIMA IN AND FOR THE STATE OF WASHINGTON AND YAKIMA COUNTY

In Re:

EMERGENCY NOTIFICATION  
CONCERNING COURT OPERATIONS  
DURING THE PUBLIC HEALTH  
EMERGENCY

GENERAL ORDER NO. 2020-03

ORDER RESUMING CERTAIN IN-  
PERSON HEARINGS AND  
ADDRESSING TIMELINE FOR  
RESUMING JURY TRIALS

WHEREAS, a State of Emergency has been declared by the President of the United States, the Governor of the State of Washington, the Board of County Commissioners for Yakima County, the City Council for the City of Yakima and the Yakima Health District due to the Covid-19 outbreak; and

WHEREAS, in light of this public health emergency, this county remains in a modified Phase I of the Governor's Safe Start plan; and

WHEREAS, Covid-19 is known to be highly contagious and easily transmitted in enclosed spaces like courtrooms and jury rooms of this court; and

WHEREAS, the court is considered an essential government function; and

WHEREAS, the Washington State Supreme Court issued multiple statewide orders requiring state courts to respond to the COVID 19 public health emergency and has granted presiding judges across Washington the authority to effectively administer their courts in response to this state of emergency, including authority to adopt, modify and suspend court rules and orders as warranted to address the emergency conditions

1 (see AMENDED THIRD REVISED AND EXTENDED ORDER REGARDING COURT  
2 OPERATIONS NO. 25700-B-626 filed May 29, 2020); and

3 WHEREAS, the Yakima Municipal Court on July 2, 2020 issued GENERAL  
4 ORDER 2020-02 supplementing and extending previous GR 2020-02 orders entered  
5 June 1, 2020, June 17, 2020 and June 26, 2020 requiring facial coverings in public  
6 areas of the Municipal Court, limiting the number of people in a courtroom, suspending  
7 in-person hearings except for those in-custody and suspending jury trials until  
8 September 1, 2020; and

9 WHEREAS, Yakima Municipal Court has consulted with the Yakima County  
10 Health District concerning the current local status of COVID 19 as well as  
11 recommendations from the Center for Disease Control concerning attempts to contain  
12 and mitigate the spread of the virus; and

13 WHEREAS, COVID 19 conditions in Yakima County have improved significantly,  
14 the County still remains in a modified phase 1 of the Governor's reopening plan; and

15 WHEREAS, Yakima Municipal Court continues to modify its facility and  
16 procedures to best protect against COVID 19 but requires more time to finalize  
17 arrangements for off-site jury selection; and

18 WHEREAS, the Yakima Municipal court desires to give clear direction to the  
19 public, litigants, attorneys and court staff as to the phased re-opening of Municipal Court  
20 within the prevailing public health recommendations to slow the spread of COVID 19;

21 NOW THEREFORE, pursuant to the Court's authority and duty to administer  
22 justice while continuing to safeguard the health of court personnel, attorneys, litigants,  
23 and the public,

- 24 1. All persons must continue to wear masks or other appropriate facial  
25 coverings of the mouth and nose while entering and remaining at the

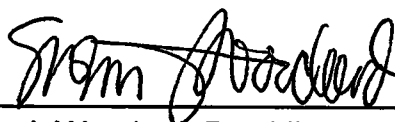
1 Municipal Court unless they have a precluding condition in accordance  
2 with the public health guidelines. All persons shall strictly adhere to  
3 posted directives and markings to ensure social distancing in courtrooms  
4 and commons areas. The number of persons allowed in a courtroom at  
5 any one time shall be limited as per the Yakima Municipal Court COVID  
6 19 Safety Plan posted at [www.yakimawa.gov/services/municipal-court](http://www.yakimawa.gov/services/municipal-court).

- 7 2. The Court will conduct out of custody arraignments in person with a  
8 staggered start time beginning September 9, 2020.
- 9 3. In custody hearings of all types will be heard in Courtroom 1, **with the**  
10 **exception** of in custody arraignments at 8:30 on Tuesday mornings,  
11 which will be heard in Courtroom 2 interspersed with the Change of Plea  
12 Docket. In custody arraignments on Monday, Wednesday, Thursday and  
13 Friday will begin at 8:30 in Courtroom 1. In custody Disposition and Final  
14 Confirmation hearings will be heard at 8:30 AM on Wednesdays once  
15 juries resume (see paragraph # 7 below), interspersed with in custody  
16 arraignments in Courtroom 1. In custody status conferences scheduled  
17 for Friday mornings at 8:30 in Courtroom 2 will be heard in Courtroom 1  
18 interspersed with the in- custody arraignment docket. In-custody status  
19 conferences on Monday, Tuesday, and Wednesday will be heard as usual  
20 in Courtroom 1 at 1:30 PM.
- 21 4. As soon as the technology is installed, the court will be hearing ZOOM  
22 status conferences in addition to in-person status conference calendars  
23 with a staggered start time. The ZOOM hearings will be scheduled by  
24 defense counsel beginning at 3:00 PM in the manner outlined in the  
25

1 Yakima Municipal Court COVID 19 Safety Plan posted on the Municipal  
2 Court website as noted above:

- 3 5. Beginning September 9, 2020 Contested and Mitigation Infraction hearings  
4 will be heard in person on the pre-pandemic calendar schedule observing  
5 courtroom capacity limits and social distancing. Infractions can also be  
6 considered electronically on the form provided on the Court's website or  
7 by submitting a written explanation through the United State Postal  
8 Service. If an infraction is contested in either one of these alternatives, the  
9 finding cannot be appealed. When a notice of hearing is sent it will include  
10 information concerning these alternatives to an in- person hearing.
- 11 6. Suppression Motions will be heard pursuant to the pre-pandemic schedule  
12 in Courtroom 2. If the defendant is in custody, the parties will be advised  
13 of any schedule change.
- 14 7. Jury trials are expected to resume with off-site jury selection after October  
15 1, 2020. Jury trials will be held at the Municipal Court. More information  
16 will be provided as arrangements are finalized.
- 17 8. Any person exposed to or exhibiting symptoms of COVID 19 will not be  
18 permitted to appear in the Court facility and should contact the Court and  
19 his or her attorney, if represented, to have the case reset.
- 20 9. This Order will be reviewed weekly and modified as circumstances  
21 require.

22  
23 Dated this 31<sup>st</sup> day of August, 2020.

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Susan J. Woodard, Presiding Judge  
Yakima Municipal Court