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YAKIMA MUNICIPAL COURT

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

6 **In Re:**

7 **ADMINISTRATIVE ORDER NO. 2020-01**

8 **EMERGENCY NOTIFICATION:
CONCERNING SUSPENSION OF
9 CrRLJ 2.2(g). DURING RESTRICTIONS
ON COURT OPERATIONS DUE TO
10 PUBLIC HEALTH EMERGENCY**

11 **ORDER TEMPORARILY SUSPENDING
12 CrRLJ 2.2 DISMISSALS**

13 **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
14 Commissioners for Yakima County, the City Council for the City of Yakima and the
15 Yakima Health District due to the Covid-19 outbreak; and**

16 **WHEREAS, in light of this public health emergency, this county remains in a
17 modified Phase I of the Governor's Safe Start plan for lifting restrictions on indoor
18 gatherings of persons outside a household; and**

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

21 **WHEREAS, the Washington State Supreme Court has granted presiding judges
22 across Washington the authority to effectively administer their courts in response to this
23 state of emergency, including authority to adopt, modify and suspend court rules and
24 orders as warranted to address the emergency conditions (see AMENDED THIRD
25**

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

3 WHEREAS, this and other courts statewide have modified court
4 operations to include resetting cases by summons in lieu of issuance of bench warrants
5 when personal appearance by out-of-custody defendants is prohibited during the public
6 health emergency; and

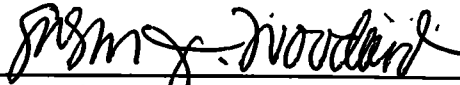
7 WHEREAS, CrRLJ 2.2 (g) mandates that "Failure to Issue Warrant—Dismissal.
8 Upon five days' notice to the prosecuting attorney, the court shall dismiss a charge"
9 without prejudice if (i) 90 days have elapsed since the citation or complaint was filed
10 and (ii) on the date that the order of dismissal is entered, no warrant has been issued
11 and the defendant has not appeared in court."; and

12 WHEREAS, issuing bench warrants for individuals who have failed to
13 appear in court where personal appearance is prohibited is irrational and contra to the
14 need to protect the public, lawyers and court staff while maintaining modified court
15 operations during the public health emergency, thereby also rendering dismissal of
16 charges upon failure to issue a bench pursuant to CrRLJ 2.2(g) also an irrational act
17 during the public health emergency,

18 NOW, THEREFORE, IT IS HEREBY ORDERED:

19 Court rule CrRLJ 2.2(g) is suspended until in- person appearances for out of
20 custody defendants in Yakima Municipal Court are resumed, at which time this
21 Administrative Order will expire.

22 Dated this 3rd day of August, 2020.

23 
24 _____
25 Susan J. Woodard, Presiding Judge
Yakima Municipal Court