

FILED

DEC 01 2020

Bothell Municipal Court

BOTHELL MUNICIPAL COURT
KING/SNOHOMISH COUNTY, STATE OF WASHINGTON

IN RE THE MATTER OF
THE RESPONSE BY THE BOTHELL MUNICIPAL
COURT TO THE PUBLIC HEALTH EMERGENCY
(COVID-19)

EMERGENCY ORDER #20-06
RE: COURT OPERATIONS

WHEREAS, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under Section 319 of the Public Health Act (42 U.S.C 247d) in response to COVID-19; and

WHEREAS, on March 1, 2020, President Donald J. Trump proclaimed that the COVID-19 outbreak in the United States constituted a national emergency; and

WHEREAS, on February 29, 2020, Governor Jay Inslee of the State of Washington declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19); and

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

WHEREAS, on March 18, 2020, the Washington State Supreme Court issued Court Order 25700-B-606. On March 19, the Supreme Court issued a corrected order 25700-B-607 and on March 20, 2020, an Amended Order 25700-B-607; and

WHEREAS, on April 13, 2020, the Washington State Supreme Court amended and extended order 25700-B-607 through May 4, 2020, by entering order 25700-B-615; and

WHEREAS, on April 29, 2020, the Washington State Supreme Court entered a new order extending and amending previous orders: Second Revised and Extended Order Regarding Court Operations No. 25700-B-618; and

EMERGENCY ORDER #20-06RE: COURT OPERATIONS - 1

1 WHEREAS, on May 28, 2020, the Washington State Supreme Court entered the Third Revised
2 and Extended Order Regarding Court Operations No. 25799-B-625. On May 29, 2020, the Washington State
3 Supreme Court entered the Amended Third Revised and Extended Order Regarding Court Operations No. 25799-B-
4 626 that corrected some issues in Order 625; and

5 WHEREAS, from May 29, 2020 through October 13, 2020, the Washington State Supreme Court
6 entered numerous orders regarding court operations including 25700-B-631, 640, 641, 642, and 646; and

7 WHEREAS, the Washington State Supreme Court Fourth Revised and Extended Order No.
8 25700-B-646 grants emergency authority to this Court to adopt, modify, and suspend court rules and order and to
9 take further actions regarding court operation as warranted to address the current state of emergency and based upon
10 the Supreme Court's finding that the serious danger posed by COVID-19 is good cause to continue criminal and
11 juvenile offender trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and
12 JuCR 7.8(e)(7), the time between the Supreme Court's May 29, 2020 Order and the next scheduled court hearing
13 after October 15, 2020 shall be EXCLUDED when calculating time for trial. CrR 3.3(e)(3), CrRLJ 3.3(e)(3), JuCR
14 7.8(e)(3). After October 15, 2020, courts may further exclude time under these rules based on individual findings of
15 "unavoidable circumstances" due to COVID-19 or other circumstances."; and

16 WHEREAS, on November 15, 2020, Governor Jay Inslee issued Proclamation 20-25-8 effective
17 11:59 p.m. on November 16, 2020, and expiring on December 14, 2020 at 11:59 p.m. The Proclamation severely
18 restricts public and private gatherings as a result of a spike in COVID cases statewide. The Proclamation is
19 consistent with the United States Center for Disease Control and Prevention and the Washington State Department
20 of Health (DOH) recommendation for implementing community mitigation strategies to increase containment of the
21 virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

22 WHEREAS, the State of Washington and specifically King and Snohomish Counties have
23 experienced an exponential and unprecedented surge in new COVID-19 cases over the past 14 days; and

24 WHEREAS, due to the holidays and New Year, there is tremendous concern that individuals will
25 be gathering in larger numbers to celebrate despite Proclamation 20-25-8 increasing the risk of exposure to COVID-
26 19, and also based on the historical difficulty in availability of jurors, attorneys and staff during this timeframe
27 notwithstanding the current crisis; and

1 Pursuant to the authority given to this Court through Washington State Supreme Court Orders
2 25700-B-602 through B-646 (and any superseding or modified orders); and the authority granted to the Presiding
3 Judge of the Bothell Municipal Court pursuant to GR 29, the Bothell Municipal Court makes an individual finding
4 of unavoidable circumstances due to COVID-19, and therefore further excludes time until the next scheduled Court
5 hearing after January 15, 2021.

6 This Emergency Order is effective November 19, 2020 through January 15, 2021, and shall
7 remain in effect until that time unless extended, modified, or rescinded by the Presiding Judge of the Bothell
8 Municipal Court.

9 NOW THEREFORE, it is hereby ordered and effective immediately:


- 10 1. All criminal jury trials will be continued until the next available jury term after January 15,
11 2021;
- 12 2. All out-of-custody criminal hearings (i.e., pre-trial, show cause, treatment review, etc.) will be
13 conducted remotely via Zoom or telephonically, until after January 15, 2021, unless
14 impossible to do so; All in-person out-of-custody criminal hearings currently scheduled for
15 calendars subject to this order shall be re-scheduled to the next available Zoom calendar;
- 16 3. Warrants shall be issued in compliance with paragraph 14 of the Washington State Supreme
17 Court Order No. 25700-B-646;
- 18 4. All contested infractions and requested mitigations on infractions will be handled via mail or
19 via Zoom until after January 15, 2021;
- 20 5. If an out-of-custody defendant contacts the court (through counsel if represented) and
21 indicates an inability to participate by Zoom or telephonically, the hearing shall be set to the
22 next available in-person date after January 15, 2021.
- 23 6. Probation appointments shall continue to be conducted by telephone unless otherwise
24 directed. Probation clients must contact their probation officer for reporting instructions. If
25 you do not have a phone number for your probation officer you may call the court or email
26 probation@bothellwa.gov;
- 27 7. MRT classes will continue to be conducted remotely via Zoom. Please contact probation for
28 further information at probation@bothellwa.gov;

- 1 8. The Court office will remain physically open to the public Monday through Friday from 8:00
2 a.m. to 12:30 p.m. but shall be closed from 12:30 p.m. - 4:30 p.m. Staff are reachable by
3 phone or email from 8:00 a.m. – 4:30 p.m.;
- 4 9. Any person who is physically ill, experiencing flu-like symptoms such as a cough, fever,
5 respiratory problems, or any symptoms associated with COVID-19 or in quarantine **SHALL**
6 **NOT** enter the Bothell Municipal Courthouse;
- 7 10. Staff and visitors are expected to practice good hygiene by washing hands frequently or by
8 using hand sanitizer when hand washing is not practical;
- 9 11. Frequently touched surfaces will be routinely cleaned by disinfectant or other approved
10 method;
- 11 12. All persons entering the Bothell Municipal Courthouse shall be required to wear a mask
12 unless exempted by law, the directives of the local health officer, or the Court specifically
13 exempts or directs the removal of the mask to facilitate clear communication and due process;
- 14 13. When in-person calendars and jury trials resume, as much as possible and practical, all
15 attorneys shall be required to social distance from their clients, managing witnesses, co-
16 counsel, and any others seated at counsel table. All participants are encouraged to use a
17 KN95 mask and one will be provided by the Court upon request;

18 **Bail Review Hearings**

- 19 14. Any in-custody defendant may file a motion for bail review on shortened time on the daily
20 criminal hearings calendar with 24 hours notice to the court and opposing counsel.
21 Any and all provisions of all previous Bothell Municipal Court Emergency Orders not in conflict
22 with this order shall remain in full force and effect.

23
24 Dated this 30th day of November, 2020.

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Mara J. Rezzano, Presiding Judge
Bothell Municipal Court