

**IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON
IN AND FOR THE CITY OF SUMAS**

**IN THE MATTER OF THE RESPONSE BY
WASHINGTON STATE COURTS TO THE
PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE**

**TEMPORARY ADMINISTRATIVE ORDER
NO. 2020-02**

WHEREAS, the World Health Organization has determined the spread of the new coronavirus has now reached worldwide pandemic levels; and

WHEREAS, people within Washington State and Whatcom County have been diagnosed with COVID-19; and

WHEREAS, the Governor of the State of Washington has declared a State of Emergency due to the COVID-19 outbreak, and the Whatcom County Executive has declared a Public Health Emergency for the County due to the COVID-19 outbreak; and

WHEREAS, the Whatcom County Health Department, per Dr. Greg Stern, has issued new recommendations to slow the spread of COVID-19 within Whatcom County which include, among other actions, the cancellation or postponement of non-essential public gatherings and that certain higher risk target populations should stay at home away from large groups of people as much as possible; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-615 which grants this Court emergency authority to

adopt, modify, and suspend court rules and order, and to take further actions as deemed warranted to address the current COVID-19 public health emergency and;

WHEREAS, the calling of prospective jurors and the jury selection process necessarily requires exposure to large groups of people which is a medically contraindicated activity under the current states of emergency;

NOW, THEREFORE, PURSUANT TO THE COURT'S AUTHORITY TO ADMINISTER JUSTICE AND TO ENSURE THE SAFETY OF COURT PERSONNEL, LITIGANTS, AND THE PUBLIC.

IT IS HEREBY ORDERED:

1. Due to the declared state for emergency in all counties in the State of Washington due to the public health emergency caused by the coronavirus disease 2019 the courts requirement for presence may be waived. If a defendant has an attorney and an agreement has been reached on a simple misdemeanor to amend to an infraction and or a guilty plea has been accepted and reviewed by all parties and signed, they may be excused from appearing in court. The judge may require an appearance at a later date, a telephonic hearing, or may enter the agreed plea or stipulation. If an attorney has concerns about their client's health or exposure to the public, a speedy trial waiver may be signed by the attorney on behalf of their client, with the client's permission, with the court electronically and the court will summons for the next date approved by the judge, or agreed to by all parties. If the conditions above are not met and your presence has not been waived by the judge and/or Court Administrator the following is required:

Unless a disposition of the case is entered into at the first appearance hearing or arraignment, a pretrial hearing shall be scheduled and held. Defendant and all counsel must be present at any pretrial hearing. Failure of the defendant to appear may result in the issuance of a bench warrant.

2 (A) *Contested Hearing procedures.* If the Defendant requests in writing a contested hearing by mail, the court shall examine the citing officer's citation and report, any IRLJ 6.6 documents, any other evidence submitted by the City, and any statement or documents submitted by the defendant. The examination will be held in chambers and shall take place within one hundred and twenty (120) days after the defendant filed the response to the notice of infraction. The court shall determine whether the plaintiff has proved by a preponderance of the evidence submitted whether the infraction was committed.

No appeal Permitted. There shall be no appeal from a decision on written statements.

(B)Mitigation Hearing Procedures. A mitigation hearing based upon a written statement may be held in chambers and shall take place within 120 days after the defendant filed the response to the notice of infraction.

(C)Notice to Defendant. The court shall notify the defendant in writing of its decision, including and penalty imposed.

3.JURY TRIALS will be postponed until May 04, 2020 or a later date if deemed necessary.

DATED and SIGNED this 14th day of April, 2020.


Michael Bobbink, Judge
Sumas Municipal Court