

**FILED**

OCT 22 2020

KLICKITAT COUNTY CLERK

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**SUPERIOR COURT OF WASHINGTON  
IN AND FOR KLICKITAT/SKAMANIA COUNTY**

**IN RE THE KLICKITAT/SKAMANIA  
COUNTY SUPERIOR AND THE  
PANDEMIC OUTBREAK OF THE NOVEL  
CORONAVIRUS DISEASE (COVID-19)**

Case No.: 20-2-00001-20  
**SIXTH REVISED AND EXTENDED  
EMERGENCY ADMINISTRATIVE  
ORDER**

**WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of  
emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington;  
and on March 13, 2020, President Trump declared a national emergency due to the  
COVID-19 outbreak across the United States; and**

**WHEREAS, during this state of emergency, the Centers for Disease Control and  
Prevention and the Washington State Department of Health have recommended  
increasingly stringent social distancing measures of at least six feet between people,  
and encouraged vulnerable individuals to avoid public spaces; and**

**WHEREAS, consistent with these recommendations, Governor Inslee issued and  
extended a "Stay Home, Stay Healthy" order directing non-essential businesses to**

1 close, banning public gatherings, and requiring Washingtonians to stay home except to  
2 pursue essential activities; and

3 WHEREAS, on May 31, 2020, Governor Inslee issued his Safe Start  
4 proclamation allowing a phased reopening process for counties while requiring that  
5 counties take necessary steps to ensure public safety as they progress through the  
6 stages of reopening; and

7 WHEREAS, many court facilities in Washington are ill-equipped to effectively  
8 comply with social distancing and other public health requirements and therefore  
9 continued in-person court appearances jeopardize the health and safety of litigants,  
10 attorneys, judges, court staff, and members of the public; and

11 WHEREAS, pursuant to this Court's prior orders, the stakeholders in the justice  
12 system have taken important steps to protect public health while ensuring continued  
13 access to justice and essential court services, including by strictly observing social  
14 distancing measures, holding proceedings remotely, suspending many in-building  
15 operations, and promulgating emergency rules as necessary; and

16 WHEREAS, given the significant number of identified and projected COVID-19  
17 cases in Washington State, the severity of the risk posed to the public, court personnel  
18 and litigants, and the child care needs of potential jurors, witnesses, and other parties,  
19 and based upon the consistent and urgent advice of all public health experts that use of  
20 facial coverings and proactive "social distancing" and limiting public gatherings is  
21 essential to address the emergent healthcare concerns brought on by the COVID-19  
22 outbreak; and

23  
24 WHEREAS, on July 24, 2020, Governor Inslee instituted additional restrictions  
25 regarding use of facemasks, and limitations on gatherings related to businesses.

1 Governor Inslee further indicated that further restrictions could be forthcoming due to  
2 the increase in COVID-19 cases occurring in Washington State; and

3 WHEREAS, on July 28, 2020, Governor Inslee indefinitely paused reopenings for  
4 all counties under the "Safe Start – Stay Healthy" County by County Phased Reopening  
5 proclamation. Klickitat County is currently still in Phase 2. Governor Inslee has  
6 threatened additional rollbacks and potentially issuing another stay at home order if the  
7 number of cases continue to rise; and

8  
9 WHEREAS, as of October 20, 2020, the Washington State Department of Health  
10 shows that Klickitat County has had 206 cases, 12 hospitalizations and 3 deaths; and

11 WHEREAS the Klickitat County Commissioners have closed the Klickitat County  
12 Courthouse to the public due to COVID-19 concerns, which is still in effect. Klickitat  
13 County has indicated that the outside doors to the courthouse will continue to be locked  
14 to the general public until the county is in Phase 3 of the reopening process;

15 WHEREAS as limited options exist within Klickitat exist to safely gather large  
16 groups of potential jurors to allow for proper social distancing; and

17 WHEREAS, the courtrooms, jury rooms and other areas of the courthouse in  
18 Klickitat are currently being remodeled and updated to insure safety for all persons that  
19 come into the courtroom, jury room and other areas of the courthouse, including the  
20 purchasing and acquisition of additional safety equipment; and

21  
22 WHEREAS, on September 10, 2020, the Washington State Supreme Court  
23 entered an order excluding speedy trial time through a defendant's next scheduled court  
24 date after October 15, 2020; and

1           WHEREAS, on October 13, 2020, the Washington State Supreme Court entered  
2 an order again indicating that speedy trial time on all cases is excluded through  
3 defendant's next schedule court date after October 15, 2020 and furthermore after  
4 October 15, 2020 the court could exclude time under these rules based on individual  
5 findings of unavoidable circumstances due to COVID-19 or other circumstances; and

6           WHEREAS the court was advised on October 16, 2020 that a COVID-19 infected  
7 individual was checked into the Klickitat County Jail and that potential exposure had  
8 occurred to corrections staff and law enforcement; and

9           WHEREAS the court finds that due to the fact that the Klickitat County outside  
10 courthouse doors continue to be closed to the general public until the county reaches  
11 phase 3; the continued increase in number of cases during the past month which  
12 showed a 7 day rolling average of 351 cases in Washington State on 9/12/2020 to a 7  
13 day rolling average of 578 cases in Washington State on 10/8/2020; the limitation on a  
14 safe and suitable space to gather a sufficient number of jurors; and recent safety  
15 concerns related to a COVID-19 exposure at the local jail; that the COVID-19 pandemic  
16 within Klickitat County continues to present an unavoidable circumstance to safely and  
17 effectively hold jury trials until the county reaches at least phase 3 of the statewide  
18 reopening process. This is an individualized determination that an unavoidable  
19 circumstance exists due to COVID-19 that the speedy trial time for the currently pending  
20 jury trials in Klickitat County shall be as ordered below:

21           It is hereby ORDERED, pursuant to the authority of Washington State Supreme  
22 Court Orders related to court operations during the COVID-19 pandemic and the  
23 authority as the Presiding Judge of both the Klickitat County Superior Courts, as follows:  
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1           **CRIMINAL CASES:**

2           1.     A. Klickitat County Superior Court. All jury trials in Klickitat County  
3 Superior Court are suspended until at least January 1, 2021 or the county  
4 reaches Phase 3 of the "Safe Start – Stay Healthy" County by County Phased  
5 Reopening Proclamation, whichever occurs last. If the county is still not in Phase  
6 3 of the reopening process on January 1, 2021, the court shall reissue an  
7 emergency order to address the court dates that are outlined below.  
8

9           2.     A. Klickitat County Superior Court. Jury trials scheduled in Klickitat  
10 County Superior Court for November 4, 2020, November 18, 2020, December 9,  
11 2020 and December 23, 2020 shall be continued until after January 1, 2021 as  
12 follows:

13                   (i) IN-CUSTODY - persons in-custody as of October 22, 2020 shall have  
14 their jury trials continued to January 20, 2021, with a status conference  
15 scheduled for January 4, 2021 at 10:00 AM, final review scheduled for January  
16 19, 2021 at 9:00 AM and jury trial scheduled for January 20, 2021 at 8:15 AM;

17                   (ii) OUT-OF-CUSTODY - persons out-of-custody as of October 22, 2020  
18 shall have their jury trials continued to February 3, 2021, with a status conference  
19 scheduled for January 19, 2021 at 10:00 AM, final review scheduled for February  
20 1, 2021 at 9:00 AM and jury trial scheduled for February 3, 2021 at 8:15 AM.

21                   (iii) NEW CASES ARISING AFTER OCTOBER 22, 2020 – any person  
22 charged with a crime after October 22, 2020 shall have their court date  
23 scheduled pursuant to whether in-custody or out-of-custody as of their  
24 arraignment date. Persons in-custody as of their arraignment shall be scheduled  
25

1 as follows: status conference scheduled for January 4, 2021 at 10:00 AM, final  
2 review scheduled for January 19, 2021 at 9:00 AM and jury trial scheduled for  
3 January 20, 2021 at 8:15 AM. Persons out-of-custody as of their arraignment  
4 shall be scheduled as follows: status conference scheduled for January 19, 2021  
5 at 10:00 AM, final review scheduled for February 1, 2021 at 9:00 AM and jury trial  
6 scheduled for February 3, 2021 at 8:15 AM

7  
8 3. A. Klickitat County Superior Court. A continuance of criminal trials for  
9 cases filed in Klickitat County Superior Court is required in the administration of  
10 justice. Based upon this court's finding that the serious danger posed by COVID-  
11 19 is good cause to continue criminal jury trials, and constitutes an unavoidable  
12 circumstance under CrR 3.3(e)(8) & CrRLJ 3.3(e)(8), the time between March 18,  
13 2020 and January 1, 2021 (or the defendant's next scheduled court hearing after  
14 October 15, 2020, whichever is later) shall be EXCLUDED when calculating time  
15 for trial. CrR 3.3(e)(3) & CrRLJ 3.3(e)(3).

16 4. NON-JURY TRIALS

17 All non-jury trials may be scheduled prior to January 1, 2021 after  
18 consultation with the court administrator. The court administrator may schedule  
19 non-jury trials upon consultation with all parties and providing both parties at  
20 least 2 weeks advance notice of any trial date.

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22 5. All status conferences and final reviews scheduled prior to January 1,  
23 2021 shall be stricken. Omnibus hearings scheduled prior to January 1, 2021  
24 shall continue to be held. Defendants shall not be required to appear for any  
25 omnibus hearing, status conference hearing or final review hearing that is

1 scheduled prior to January 1, 2021. Counsel for defendants are responsible for  
2 advising defendants of any new court dates.

3 6. Motion hearings, omnibus hearings, and change of plea hearings may  
4 continue to be scheduled prior to January 1, 2021.

5 DATED this 22<sup>nd</sup> day of October, 2020.

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7  
8 Randall C. Krog, Presiding Judge of  
9 Klickitat/Skamania County Superior  
10 Courts