

FILED  
COUNTY CLERK  
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WASHINGTON

IN THE SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF WHATCOM

IN THE MATTER OF RESPONSE TO PUBLIC	)	Admin File No.
HEALTH RISK DUE TO COVID-19 PUBLIC	)	20-2-00001-37
HEALTH EMERGENCY	)	THIRTEENTH
	)	ADMINISTRATIVE
	)	ORDER September 25,
	)	2020

WHEREAS the state of emergency declared by the Governor of this State and resulting from the current COVID-19 pandemic and described in this Court's previous Administrative order, continues; and

WHEREAS the Washington State Supreme Court, pursuant to its Order Extending Excluded Period in Calculating Time for Trial, and Adopting Related Emergency Measures (No. 25700-B-642, September 10, 2020), has found that the serious danger posed by COVID-19 is an unavoidable circumstance under Cr 3.3 (e)(8), and excluded the time between May 29, 2020 and the next scheduled court hearing after October 15, 2020 when calculating time for trial pursuant to CrR 3.3 (e)(3); and

WHEREAS the Washington State Supreme Court, in its Amended Third Revised and Extended Order Regarding Court Operations (No. 25700-B-626, May 29, 2020), explicitly did not limit the authority of this Court to adopt measures to protect health and safety that are more restrictive than those in its Order, as circumstances warrant, including by extending as necessary the time frames in its Order; and

WHEREAS the Washington State Supreme Court, in its Order No. 25700-B-602, dated March 4, 2020 and its Orders No. 25700-B-631, dated June 18, 2020, and 25700-B-642, dated September 10, 2020, explicitly authorized Presiding Judges of

Washington courts to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations as warranted to address the current public health emergency; and

WHEREAS this Court, in its Twelfth Administrative Order (20-2-00001-37, filed on August 11, 2020) identified criteria that must be met before any jury trial can safely occur, which criteria have not yet been met despite ongoing efforts to do so;

**THE COURT HEREBY ORDERS THAT**

The Court's Twelfth Administrative Order of August 11, 2020, is amended to provide that the Court will announce the resumption of jury trial proceedings at least four weeks in advance.

THIS ORDER updates and supersedes the Court's prior Administrative Orders concerning jury trials. The Court's prior Administrative Orders remain in effect to the extent they are not inconsistent with this Order. This order and all previous administrative orders issued by this court since March 11, 2020, may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case.

DATED this 25<sup>th</sup> day of September 2020.

A handwritten signature in blue ink, appearing to read "Debora Garrett", is written over a horizontal line.

DEBORRA GARRETT, Presiding Judge