

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF AMHERST

ORDER

WHEREAS, on March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19; and

WHEREAS, on March 16, 2020, Governor Northam requested a declaration of a judicial Emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330; and

WHEREAS, on March 16, 2020, the Supreme Court of Virginia entered an Order of Declaration of Judicial Emergency effective from March 16th to Monday, April 6th, 2020; directive all NON-ESSENTIAL, NON-EMERGENCY court proceedings in all circuit and district courts be SUSPENDED and all deadlines tolled and extended, pursuant to Va. Code § 17.1-330(D), for a period of twenty-one (21) days, and all circuit courts should implement certain measures as more fully set forth in said Order; and

WHEREAS, on March 27, 2020, the Supreme Court of Virginia entered an Order extending the Declaration of Judicial Emergency from April 6th through April 26th, 2020 for all courts of the Commonwealth; and

WHEREAS, on April 26, 2020, the Supreme Court of Virginia entered an Order extending the Declaration of Judicial Emergency from April 26th through May 17th, 2020 for all courts of the Commonwealth; and

It is hereby **ORDERED** as follows:

1. All civil, traffic and criminal matters, including jury trials, subject to a defendant's right to a speedy trial, shall be continued with the exception of emergency matters, including but not limited to, quarantine or isolation matters, advisements, arraignments, and bail reviews, protective order cases, emergency child custody or protection cases, and civil commitment hearings.
2. In all circuit cases where the defendant does not waive speedy trial, the court will hold a hearing to consider prevailing circumstances at the time of the hearing and weighing all factors, including the defendant's right to a speedy trial, whereupon the court will make a determination on a case by case basis, as to whether or not the trial can proceed safely without jeopardizing the defendant's Due Process rights to a fair and impartial trial.
3. The court shall give precedence on the docket to emergency matters.
4. To the extent authorized by law, and upon agreement of the parties and counsel, all matters that the court hears pursuant to this Order should be conducted by two-way electronic audio-visual communication. The parties, attorneys, witnesses and others will be allowed to appear by such

two-way electronic audio/ visual communication in order to reduce or eliminate the need for parties, attorneys and others necessarily involved to physically appear in the courthouse. If a party, witness, or other participant is unable to participate via the provided secure communication platform such as Polycom, then, upon request to the court, they may be allowed to participate by telephone.

5. Physical courtroom attendance in any matters that cannot be continued or conducted by audio-visual means will be limited to attorneys, parties, necessary witnesses, interpreters, court personnel, court reporters, bailiffs and those deemed necessary by the presiding judge, and members of the press where permitted by law.
6. Individuals with legitimate court business who are ill, caring for someone who is ill, or who are otherwise in a high-risk category, as defined by the CDC, to call the clerk of court or other appropriate court personnel to request an appropriate accommodation.
7. The Clerk of Court shall post signage at all public entry points advising individuals not to enter the building if they have, within the previous 14 days:
 - a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC;
 - b. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - c. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;
 - d. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
 - e. experienced a fever, cough, or shortness of breath; or
 - f. resided with or been in close contact with any person in the above-mentioned categories.

Individuals attempting to enter the court in violation of these protocols shall be denied entrance by a bailiff or court security officer, and will be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

8. The Sheriff and/or bailiffs shall prohibit individuals or groups from congregating anywhere in the courthouse, and require social distancing throughout the courthouse, including inside the courtroom.

This Order shall be effective until May 17, 2020 unless extended by further Order of this Court.

ENTERED: 04/29/2020


MICHAEL T. GARRETT, CIRCUIT COURT JUDGE