

VIRGINIA: IN THE GENERAL DISTRICT COURT OF CARROLL COUNTY

**IN RE: JUDICIAL EMERGENCY PROCEDURES
FROM MAY 18, 2020, THROUGH JUNE 7, 2020**

ORDER

On May 6, 2020, the Virginia Supreme Court issued its Fourth Order Modifying and Extending the Declaration of Judicial Emergency in Response to the COVID-19 Emergency. Pursuant to the Order, each judicial district is charged with determining how best to transition to normal operations and to establish protocols to allow each individual court to function and simultaneously keep the litigants, witnesses, and courtroom staff safe. On May 7, 2020, Chief Judge Gino Williams asked each presiding judge in the 27th Judicial District to create a plan tailored to the risks and needs of each individual General District Court. Pursuant to these authorities, the Court hereby ORDERS the following protocols and procedures for the period of May 18, 2020, through June 7, 2020:

- (1) 8:00 AM Bond Hearings and Incarcerated Defendants: Incarcerated defendants will appear by video through the Polycom system. The Court will continue to conduct these attorney advisements, bond hearings, and pre-trial and non-trial matters by video pursuant to Virginia Code Section 19.2-3.1. These hearings will occur from 8:00 AM till 8:30 AM on Tuesdays, Thursdays, and Fridays with the exception of Thursday, May 28. Incarcerated defendants will not be transported.
- (2) 8:30 AM Attorney Advisements: Attorney advisements that are normally scheduled for 8:30 AM for defendants who have posted bond will remain continued to a date after June 7, 2020. The Court requests that magistrates select a Tuesday or Friday date after June 7 for those hearings. In the event that a defendant has already bonded

and has a return date during the period of May 18 through June 7 to have an attorney advisement, the Clerk is directed to schedule a new hearing date at 8:30 AM on a Tuesday or Friday after June 7 and to mail a notice to those defendants at the last known address of record.

(3) 9:00 AM and 1:00 PM Traffic and Miscellaneous Misdemeanor Cases: All traffic and miscellaneous misdemeanor cases that have a 9:00 AM or 1:00 PM scheduled time are hereby continued to the complainant officer's next date. The Clerk is directed to prepare notices of the new hearing dates and mail them to each defendant's last known address of record.

(4) Traffic Plea Agreements: From May 18, 2020, through June 7, 2020, the Court will continue to entertain written plea agreements in traffic cases without the formal, in-person appearance of either party.

(5) 10:00 AM and 2:00 PM Criminal Cases: All criminal cases that are set at 10:00 AM or 2:00 PM are hereby continued to the complainant officer's next court date. However, the Commonwealth's Attorney and the defendant may schedule a case to be heard between May 18, 2020, and June 7, 2020, but subject to the following requirements:

- a. Both parties must agree to schedule the case.
- b. Each case will be scheduled for a 15-minute time slot at a time agreed to by the Commonwealth's Attorney and the defendant. Only one case will be heard in each 15-minute time slot.
- c. The defendant or his counsel may schedule a case by contacting the Commonwealth's Attorney, arranging an agreed time, and signing an agreed

order. The Commonwealth will transmit that agreed order to the Clerk for entry. Once entered, the matter will be added to the docket for the date and time agreed upon by all parties.

- d. The Court will only entertain plea agreements, waivers of preliminary hearing, stipulations as to probable cause, adjudicatory pleas (“bare pleas”) with no dispositional agreement, any ancillary certifications of misdemeanors, and motions to dismiss or *nolle prosequi* between May 18, 2020, and June 7, 2020.
- e. To keep courtroom traffic to a minimum during this period, the Court will not hear contested criminal trials or preliminary hearings between May 18, 2020, and June 7, 2020, unless deemed to be an emergency by the Commonwealth’s Attorney or the defendant. If an emergency trial or other hearing is required, the parties should agree to an arranged date and time and schedule sufficient docket time to conclude the matter. Again, these emergency matters should be scheduled by agreed order.
- f. The Court will not allow more than 10 people in the courtroom at any given time. This number will include all attorneys, courtroom staff, and the judge. As such, it is strongly suggested that litigants limit the number of people arriving in their party. Courtroom security and personnel will limit individuals entering the courtroom based upon these numerical requirements.
- g. To the extent possible, courtroom security and personnel will enforce 6-foot social distancing restrictions when seating parties and observers in the courtroom. Courtroom security and personnel will limit individuals entering

and sitting in the courtroom if these 6-foot social distancing restrictions cannot be achieved.

- h. The Court strongly encourages each individual entering the courtroom to wear facial masks as recommended by the Centers for Disease Control.
- i. To the extent possible, the courtroom will be disinfected after each hearing.
- j. Courtroom security and personnel will take reasonable measures to prohibit individuals from entering the courthouse if they have in the past 14 days:
 - i. Been subject to quarantine, isolation, or self-monitoring;
 - ii. Been diagnosed with, or have had any contact with anyone who has been diagnosed with COVID-19;
 - iii. Experienced a fever, cough, or shortness of breath;
 - iv. Resided with or been in close contact with any person in the above-referenced categories.

(6) Civil Warrants in Debt, Unlawful Detainers, and Warrants in Detinue: Civil warrants in debt, unlawful detainers, and warrants in detinue are hereby continued to a date after June 7, 2020. The Clerk is directed to schedule those matters and mail notices of hearing to the parties as necessary.

(7) Protective Orders and Garnishment Exemption Hearings: Protective orders and garnishment exemption hearings will be given priority on the docket.

Enter this Order this 12th day of May, 2020.



Gerald E. Mabe, II
Judge