

VIRGINIA: IN THE GENERAL DISTRICT COURT
FOR THE CITY OF WINCHESTER AND
FREDERICK COUNTY

ORDER

On May 6, 2020, the Virginia Supreme Court entered a Fourth Order Extending Declaration of Judicial Emergency in Response to the COVID-19 Emergency, which Order was amended by that court on May 12, 2020. Currently, the new Order is set to expire on June 7, 2020. In accordance with the Order and all preceding Orders issued by the Virginia Supreme Court and this Court concerning the continuing judicial emergency, IT IS SO ORDERED:

1. As of May 18, 2020, arraignments of incarcerated defendants and determinations of counsel will continue each weekday at 11:15 a.m. by video conference.
2. As of May 18, 2020, bond hearings will continue to occur at 1:00 p.m. each Monday, Wednesday and Friday. In accordance with Chief Justice Lemon's direction to use video technology during this time period, all bond hearings will be by video conference. Counsel must file the current bond hearing notice by 10:00 a.m. the business day prior to the requested bond hearing. For good cause, counsel may request an in-person hearing, but such hearings are not preferred and shall be held only upon approval by the Court in its discretion.
3. As of May 18, 2020, protective order hearings will go forward as currently scheduled. Additionally, the clerks will schedule all new protective order hearings in a timely fashion as the docket permits, subject to the in-person hearing requirements of this Court.
4. At least from June 1 through June 7, 2020, criminal case processing, misdemeanor trials and preliminary hearings for all defendants will remain as scheduled. Prior to the scheduled hearing, the Commonwealth's Attorney and defense counsel are ORDERED to communicate to try to resolve any discovery concerns or other needs prior to the scheduled court date. If a continuance is requested, it shall be submitted to the Court in writing on the Court standard continuance form by fax, email, or hand-delivery by noon the business day before the scheduled court date. Counsel must have consulted with each other in advance.
5. Commencing June 1, 2020, all civil cases shall remain on the docket as scheduled, subject to further Order of the Supreme Court of Virginia, of the Chief General District Judge of the 26th Judicial Circuit of Virginia or of this Court. The Court is faced with the serious challenge of preserving public safety while at the same time working through its current backlog. The Court is mindful that every day since the Lord Fairfax Health District started keeping a record of active COVID-19 cases in our region, the number of cases has risen, including an increase of 102 cases in the last 5 days. For this reason, the Court's existing policy as to the liberal granting of continuance requests shall remain in full force and effect.

6. Defense Counsel must communicate with the Clerk's Office on whether an incarcerated defendant needs to be transported from our local jail or from another facility. With local defendants at our jail, contact the Clerk's Office no later than noon the business day before the hearing. With all other incarcerated defendants located outside our area, provide reasonable notice so the transport can take place in advance of the hearing. If the Clerk's Office is not contacted, incarcerated individuals will remain on video or the matter will be rescheduled.
7. Through May 29, 2020, all civil cases scheduled during the effective dates of the Fourth Order Extending Declaration of Judicial Emergency in Response to COVID-19, as amended, are continued, except that on May 21, 2020, beginning at 9:15 a.m., the Court shall hear the civil matters that are already docketed for that date, which matters have been repeatedly continued under prior Judicial Emergency Orders of the Supreme Court of Virginia.
8. Consistent with the previous Judicial Emergency Orders of the Supreme Court of Virginia, as well as with Orders of the Circuit Court of the City of Winchester and of Frederick County as to the emergency situation, the General District Court will continue, in its discretion, to hear any matters upon a two-way electronic audiovisual communication system using a secure communication platform such as Polycom or WebEx or by telephone. Requests to participate by telephone will be liberally granted.

Once submitted, the Court will review and, if appropriate, have the Clerk schedule a hearing date to be heard electronically with all parties and/or counsel.

The Court also may, in its sole discretion, as authorized by the above referenced Order of the Virginia Supreme Court dated May 6, 2020, as amended, hear or consider in-person cases, criminal, traffic or civil, if the Court deems it appropriate and subject to the least possible risk to public safety. This Court uses 3 Courtrooms in the Joint Judicial Center (2-D, 3-E and 3-C), and it hereby directs that the Judge presiding in each such courtroom require appropriate distance seating for all persons in attendance. The Court recommends to such judges that the maximum number of attendees at one time, including attorneys, the parties, bailiffs, interpreters, court reporters, witnesses, the press, and any person specifically approved by the Court for entry into the courtroom, shall be as follows for each such courtroom: 33 in 2-D, 23 in 3-E and 14 in 3-C. Unless expressly authorized by the Court, no spectators or unnecessary observers shall be allowed in the courtroom. These are maximum numbers and the Court notes that the least number of persons within these maximums is strongly preferred. Bailiffs, in addition to their normal duties on behalf of the Court, are hereby directed to enforce the requirements of this Order as to distance seating and as to the maximum number of persons allowed in the courtroom. The Bailiffs shall also be authorized to enforce distance spacing of at least six feet as to those persons waiting in the hallways or in other rooms in the courthouse.

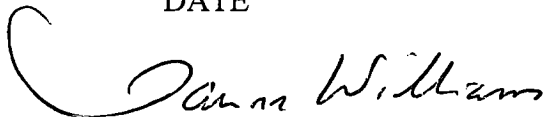
In a further effort to reduce the number of case participants at any one time in the courtroom, the Court will rely on segmented docketing, to the fullest extent possible. Once the times and dates are specified by the Clerk, only those persons involved in the matters as docketed shall be in the courtroom during that period. No entry of the courtroom by those involved in subsequent dockets or by those who are late for their scheduled docket shall be allowed until the current docket is completed by the Court. All attendees are encouraged to wear masks while in the courtroom, although, at this time, the Court is not able to provide masks.

9. As of May 18, 2020, at least through June 7, 2020, the Court will enter a disposition in a traffic case or minor offense if there is a signed AGREED ORDER between defense counsel and the Commonwealth's Attorney's office (not the officer). Counsel may forward the Agreed Order to the Clerk's office, and the Court will enter the disposition without the appearance of any party or counsel. This will only apply to the following matters:
 - A. Traffic Infractions
 - B. Reckless Driving and Minor Offenses only if it is noted in the agreed order between defense counsel and the Commonwealth's Attorney that jail time is waived
10. The Court directs that Counsel or any person having any involvement with any case before this Court notify the Court immediately if you, your client, or any witness is (1) ill, (2) has recently traveled internationally, (3) has been directed to quarantine, isolate or self-monitor, (4) has been diagnosed with, or has had contact with anyone who has been exposed to, COVID-19; (5) has personally experienced fever, cough, or shortness of breath; or (6) has resided with or been in close contact with any person in the above-mentioned categories.

This Order may be modified by this Court as conditions dictate or as may be required by the Supreme Court of Virginia or by the Chief General District Court Judge of the 26th Judicial District of Virginia. The Clerk shall send copies of this Order to The Winchester-Frederick County Bar Association, the Winchester and Frederick County Commonwealth's Attorney offices and to the Office of the Public Defender.

5-13-20

DATE



IAN R.D. WILLIAMS, JUDGE DESIGNATE