

COVID-19 POLICIES AND ORDERS No. 3
OF
121ST DISTRICT COURT TERRY AND YOAKUM COUNTIES

The 121st District Court recognizes the concern about the outbreak of COVID-19. To address the concerns and avoid the risk to court staff, parties, attorneys, jurors and the public, the following policies and orders will remain in effect from date of the date of this Policy and Order until further Order of this Court. The prior Covid-19 Policies and Orders of the 121st District Court of Terry and Yoakum Counties is hereby replaced by the following:

The COVID-19 Operating Plan is now in place for Terry/Yoakum County Judiciary. Hearings and trials will be through Zoom, other video conference or teleconference, subject to any constitutional limitations; but may also be live in the courtroom, upon request of counsel and brief statement of why not practical to hold by Zoom.

The Court's Zoom channel is 121st District Court on YouTube.

Court Decorum shall apply to any "Zoom Hearing" or other video conference just that same as appearing "in person" in the courtroom.

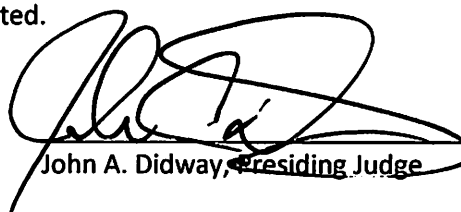
ALL DOCUMENTS SHALL BE SUBMITTED THROUGH E-FILING.

- 1. Non Essential Matters:** All in-person hearings and trials in on essential matters will be rescheduled during the time this Policy and Order is in effect for a Zoom hearing unless otherwise requested by a party with a brief explanation of why not practical to have the hearing by Zoom. The Court will then set and notify the parties of how to appear.
- 2. Essential Court Matters:** Essential Court Matters are defined to include the following:
 - a. Magistration;
 - b. Family Violence Protective Orders;
 - c. Juvenile Detention Hearings;
 - d. Temporary Restraining Orders and Temporary Injunctions;
 - e. CPS Removal Hearings;
 - f. Writ of Habeas Corpus;
 - g. Bond Hearings;
 - h. Hearings that are dipositive of a person's incarceration; and,
 - i. Any other matters designated at the Court's discretion.
- 3. Jury Trials:** All jury trials are cancelled, until notified by the Court by a Jury Docket Call notice.
- 4. Performance Reviews:** All performance reviews for July and August are cancelled. Al performance reviews after August shall be limited to 20 defendants.
- 5. Video Conference Hearings:** If a hearing or trial is set to be conducted by Zoom--
 - a. All parties shall provide the Court with email address for each witness to appear through Zoom. All parties are responsible for insuring that there witnesses are available through Zoom.
 - b. Zoom court proceeding shall NOT be recorded by any participant or person viewing the proceeding. The only recording will be by the official court reporter. This is an order of the court and in any person violating the order may be held in contempt of court.
 - c. All exhibits shall be emailed to the jadidway@terrycounty.org. The email shall reference the cause number and style of the case in the Subject line and each exhibit will be pre-marked and attached separately as an Attachment. All exhibits will be submitted in one email. If an exhibit is a recording or other matter that cannot be emailed, it may be submitted through regular mail or other delivery to the Court prior to the hearing.

- d. The Court may consider as evidence any sworn statements made out of court, or sworn testimony given remotely.
 - e. The Court may, upon reasonable notice, conduct a proceeding away from the Court's usual location.
6. **Family Law Temporary Hearings:** The court may consider, subject objection from opposing party an affidavit or sworn statements as allowed under any Emergency Order of the Supreme Court and Court of Criminal Appeals. The Court has entered a Standing Order.
7. **Arraignments:** Arraignment will be held through Zoom, unless otherwise ordered. Defense counsel is encouraged to obtain waivers. If Defendant is not in jail, the Court will be provided with an email address and or phone number. If Defendant is in jail, Defendant will appear at jail through Zoom.
8. **Motion to Reduce Bond:** Attorneys/Parties will make witnesses available through Zoom. Subpoenas may be issued ordering a witness to appear by Zoom by providing the Court the witness's email address and ordering said witness to be available for testimony on a computer or smart phone at a time certain. Court will also consider any sworn statement, officer reports, criminal history and affidavits.
9. **Pleas:** The following will apply to all pleas held through Zoom.
 - a. If the Defendant is receiving probation, any court appointed Defense Attorney, shall provide the Judge a total from the attorney fee voucher for each case in which there is a plea of guilty and judgment, upon request for plea setting or within 3 days of receipt of correspondence setting the plea date and time.
 - b. The State will prepare the paperwork in advance to provide to the Defense Attorney for review.
 - c. The Defense Attorney will review the paperwork with the Defendant prior to the hearing and obtain signature of Defendant and the Sheriff Office shall obtain a thumbprint. It is the Defense Attorney's responsibility to ensure the completed paper work with thumb print is returned to the State at least one day prior to the plea date.
 - d. The State will complete the signature process and deliver the original to the District Clerk
 - e. The Defendant shall be provided a copy of the plea papers at the hearing.
10. **Grand Jury:** All grand jurors, witnesses, and participants in a grand jury proceeding are required to maintain a social distance of at least 6 feet at all times; and, wear a face covering, if possible. No person who exhibits any symptom of COVID-19 shall enter the court building
11. **Motions to Revoke or Proceed:** All agreed MTRs or MTPs will be heard through Zoom. Contested matters will be set to be heard by Zoom or in the courtroom, upon request of counsel with a brief explanation of the request for a courtroom proceeding.
12. **Uncontested/Default Civil Matters:** All uncontested matters, not specifically addressed herein, shall be by Zoom or submission only, evidence shall be submitted in accordance with the Rules of Evidence or current Emergency Orders (affidavits or other sworn statement or testimony), with an agreed signed order/judgment/decree. There will be no oral hearing.
13. **Docket Calls:** All criminal docket calls shall be held by Zoom. Defendants are not required to appear, however all attorneys are Ordered to appear, unless excused in advance.
14. **COVID-19 Operating Plan for Terry/Yoakum County Judiciary.** The COVID-19 Operating Plan for Terry/Yoakum County Judiciary shall supersede any part of this Policy and Order.
15. **Appearance.** Any party, attorney or witness to appear in court should notify the Court immediately, if any appearance in person is objected to because of COVID-19. The Court will consider any request to appear by Zoom or in any other manner permitted.

Dated:

June 11, 2020


John A. Didway, Presiding Judge