

COVID-19 POLICIES AND ORDERS

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 MAY 8, 2020.

No in person hearings are scheduled at this time and only upon a showing of a particularized need will any Essential Court Matters be scheduled for in person hearing. All other appearances will be through Zoom. All hearings and trials will be through Zoom, subject to any constitutional limitations.

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

IF THERE IS ANY ENTRY INTO THE COURT, PLEASE WASH YOUR HANDS WITH SOAP AND WATER OR OTHERWISE DISINFECT YOUR HANDS BEFORE ENTRY AND MAINTAIN A APPROPRIATE SOCIAL DISTANCE AT ALL TIMES.

THE COURT WILL BE INFORMED BY ANY PARTICIPANT OR OTHER PERSON WHO HAS KNOWLEDGE IF ANY PERSON ENTERS OR IS GOING TO ENTER THE COURTROOM AND HAS DIRECT EXPOSURE OR EXHIBITS, COVID-19 SYMPTOMS, SUCH A FEVER, DRY COUGH OR SNEEZING.

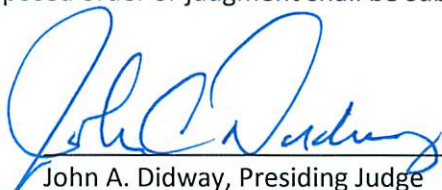
ALL DOCUMENTS SHALL BE SUBMITTED THROUGH E-FILING.

1. **Non Essential Matters:** Unless designated below as an Essential Court Matter, all in-person hearings and trials will be rescheduled during the time this Policy and Order is in effect.
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 for April and May are cancelled.
4. **Performance Reviews:** All performance reviews for April and May are cancelled.
5. **Video Conference Hearings:** Unless otherwise designated by the Court all hearings/trials will be held through 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.

- d. The Court may consider as evidence any sworn statements made out of court, or sworn testimony given remotely.
 - e. The Court may conduct a proceeding away from the Court's usual location.
6. **Family Law Temporary Hearings:** All family law temporary hearings are limited to 30 minutes per side, parties only as witnesses, all other witnesses may be submitted by 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:** All arraignment will be held through Zoom. 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. **Deadlines and Procedures:** The Court may upon its own motion or that of a party modify or suspend any and all deadlines and procedures prescribed by statute, rule or order for a stated period no later than 30 days after the Governor's state of disaster has been lifted.
10. **Defendants in Criminal Actions:** All inmates currently in jail will appear through Zoom at the facility. If the defendant is free on bond, the defendant shall appear by Zoom by webcam compatible computer or other device capable of videoconferencing.
11. **Pleas:** All pleas will be held through Zoom.
 - a. If the Defendant is receiving probation, any court appointed Defense Attorney, shall provide the Judge a total from the pay voucher upon request to set the matter for plea.
 - 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 shall obtain a thumbprint.
 - d. The jail, prior to the hearing date, will forward the original to the State and the State will complete the signature process and deliver the original to the District Clerk
 - e. The State shall forward a copy to the Court so as to allow the Court an opportunity to review prior to the plea and have available during plea.
 - f. The Defendant shall be provided a copy of the plea papers at the hearing.
12. **Motions to Revoke or Proceed:** All agreed MTRs or MTPs shall be handle as a plea pursuant to the State's recommendation. All contested mattes will be held as a Video Conference Hearing through Zoom.
13. **Uncontested 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.
14. **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.
15. **Default Hearings:** All hearings for default judgment shall be by submission only. All evidence shall be submitted in accordance with the Rules of Evidence or current Emergency Orders (affidavits or other sworn statements or testimony), with a proposed order or judgment shall be submitted by the scheduled date. There will be no oral hearing.

Dated: _____

April 8, 2020



John A. Didway, Presiding Judge