

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 Virginia Supreme Court Ordered that from Monday, March 16, to Monday, April 6, 2020, NON-ESSENTIAL, NON-EMERGENCY court proceedings in all circuit and district courts be and thereby were SUSPENDED and all deadlines were thereby tolled and extended, pursuant to Va. Code § 17.1-330(D), for a period of twenty-one (21) days, and all circuit courts directed to implement certain measures as more fully set forth in said Order; and

WHEREAS, on March 27, 2020, the Virginia Supreme Court Ordered that the Judicial Emergency be in effect and continue beginning April 6 through April 26, 2020 for all district and circuit courts of the Commonwealth,

It is hereby ORDERED as follows:

1. All circuit court 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, arraignments, 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 be 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 will give precedence on the docket to emergency matters.
4. To the extent authorized by law, all matters that the court hears pursuant to this Order will be conducted by two-way electronic audio-visual communication, if available. 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 or Webex, if available, then, upon request to the court, they may participate by telephone. Requests to participate by telephone will be liberally granted.

5. Courtroom attendance in any matters that cannot be continued 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. Attorneys are directed use e-Filing when available.
7. 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, are directed to call the clerk of court or other appropriate court personnel to request an appropriate accommodation.
8. The court orders that 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.

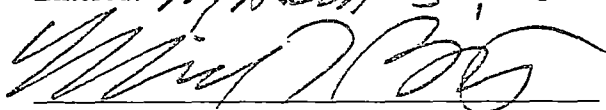
The Clerk of Court shall post this order and signage advising of the foregoing at all public entry points

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.

9. 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 from March 30, 2020 to April 26, 2020 unless extended by further Order of this Court.

Entered: *MARCH 30, 2020*



Michael T. Garrett, Circuit Court Judge