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HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO. WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SNOHOMISH COUNTY

IN RE THE MATTER OF  
THE RESPONSE BY SNOHOMISH  
COUNTY SUPERIOR COURT TO THE  
PUBLIC HEALTH EMERGENCY IN  
SNOHOMISH COUNTY AND THE STATE OF  
WASHINGTON

)  
) NO. 2021-7001-31-A  
)  
) ADDENDUM TO  
) EMERGENCY ORDER #12  
) RE: COURT OPERATIONS  
) PARAGRAPHS 15-18  
)

**PREAMBLE**

WHEREAS on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under Section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS on February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19); and the state of emergency has not been lifted; and

WHEREAS on March 1, 2020, President Donald J. Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS between March 18, 2020 and the present date, the Washington State Supreme Court has issued multiple Court Orders in response to the public health emergency, including: 25700-B-606 through 25700-B-646; and

WHEREAS on November 15, 2020, Governor Inslee issued Proclamation 20-25.8 effective 11:59 p.m. on November 16, 2020 and expiring on December 14, 2020 at 11:59 p.m. The Proclamation severely restricted public and private gatherings as a result of a spike in COVID cases statewide. The Proclamation is consistent with the United States Center for Disease Control and Prevention and the Washington State Department of Health (DOH) recommendation implementing community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS the restrictions of Proclamation 20-25.8 were extended in Proclamation 20-25.9 and the restrictions have now been extended until Monday, January 11, 2021 at 11:59 p.m.; and

WHEREAS Governor Jay Inslee amended Proclamation 20-05 and 20-25 on January 11, 2021 by Proclamation 20-25.12 which placed Snohomish County in Phase 1 of the Healthy Washington Roadmap to Recovery and Snohomish County remains in Phase 1; and

WHEREAS on November 17, 2020, Snohomish County Executive Dave Somers issued a directive extending remote work for Executive Departments to July 2021; and

WHEREAS, the rolling two-week average of reported cases per 100,000 population in Snohomish County increased from 280 on November 16, 2020 to 360 on December 11, 2020; and

WHEREAS the rolling two-week average of reported cases per population in Snohomish County was 417 per 100,000 population for the period of time from December 6, 2020 to December 19, 2020; and

WHEREAS the rolling two-week average of reported case per population in Snohomish County was 329 per 100,000 population for the period of time from December 13, 2020 to December 26, 2020; and

WHEREAS the rolling two-week average of reported cases per population in Snohomish County increased to 418 per 100,000 population for the period of time from December 27 to January 9, 2021.

WHEREAS this Court has previously adopted emergency orders which referenced various actions by various governmental entities based on conditions related to COVID-19; and

WHEREAS public health dictates that the court take certain measures, and

Pursuant to the authority given to this Court through Washington State Supreme Court Orders 25700-B-602 through B-646 (and any superseding or modified orders) and the authority granted to the Presiding Judge of Snohomish County Superior Court pursuant to GR 29, this Addendum to Emergency Order #12 shall be in effect as of January 21, 2021.

NOW THEREFORE, it is hereby ORDERED:

**CRIMINAL JURY TRIALS**

15. No criminal case shall proceed to jury trial before Friday, February 12, 2021.

16. Upon being assigned out for trial, in-custody defendants shall be administered a Rapid COVID test by Snohomish County Corrections prior to transport on each day the defendant is to appear for trial. The test shall be administered at a time that ensures the results of the test will be available prior to the scheduled trial start time. The results of the test shall be provided to the law clerk of the assigned trial judge.
17. To the extent possible, all attorneys shall maintain six feet of distance between themselves and everyone else in the courtroom, including when at counsel table. All participants are encouraged to use, and the trial judge may require them to use, a mask of KN90 grade or higher. The Court will seek to make such masks available.

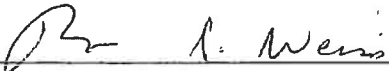
### **CONTINUANCES AND TIME FOR TRIAL**

18. Based upon the Court's previous emergency orders finding that the serious danger posed by COVID-19 is good cause to continue and also constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between March 13, 2020 and the next scheduled hearing after October 15, 2020, and the time between November 17, 2020 and February 12, 2021, shall be EXCLUDED for purposes of calculating time for trial under CrR 3.3(e)(3) and (8) and pursuant to the Supreme Court's Revised and Extended Orders Regarding Court Operations, 25700-B-615, dated April 13, 2020 (the April 13 Supreme Court Order) and 25700-B618, dated April 29, 2020 (the April 29 Supreme Court Order); and pursuant to the previous Emergency Orders of the Snohomish County Superior Court. Time for trial for cases set under this provision shall not expire before February 12, 2021 unless it expired prior to November 17, 2020. Previous findings regarding waiver periods and new commencement dates excluded based on previous Emergency

Orders remain in effect and are hereby extended. Previous findings of a new commencement date in Supreme Court and Snohomish County Superior Court orders remain in effect.

All provisions of Emergency Order # 12 which are not superseded by this Addendum shall remain in full force and effect.

DATED this 20<sup>th</sup> day of January, 2021

  
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Judge Bruce I. Weiss  
Presiding Judge