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FILED

JAN 14 2021

Superior Court
Linda Myhre Enlow
Thurston County Clerk

SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF THURSTON

IN THE MATTER OF THE RESPONSE BY
THURSTON COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH EMERGENCY
IN WASHINGTON STATE

NO. 21-2-00001-34

**EMERGENCY ADMINISTRATIVE
ORDER No. 8**

**(Extending Suspension of Criminal Jury
Trials until March 1, 2021, and Civil Jury
Trials until June 7, 2021)**

In response to the current public health emergency in Thurston County and Washington State, this Court incorporates Emergency Orders 1 through 7, and enters this additional Order regarding the further suspension of jury trials. The Court makes the following findings:

1. On November 30, 2020, Thurston County Public Health Officer, Dr. Dimyana Abdelmalek issued a letter with recommendations for Thurston County Superior Court. This guidance sets forth Dr. Abdelmalek's concern about the "significant increase in COVID-19 transmission in Thurston County."
2. On December 30, 2020, Governor Jay Inslee announced an extension of the "State Stay Healthy" proclamation that extended a statewide set of restrictions in response to the recent rapid spread of the COVID-19 virus in Washington State.

- 1 3. On January 6, 2021, Governor Jay Inslee announced a regional recovery approach with
2 progressive phases entitled “Healthy Washington - Roadmap to Recovery.” Thurston
3 County was placed in the West Region with Grays Harbor, Lewis and Pacific County.
4 In order to progress in the phases, the region must meet metric requirements outlined by
5 the Department of Health. On January 11, 2021, all regions were placed in the most
6 restrictive Phase 1.
7
- 8 4. The week of January 11, 2021, the Thurston County corrections facility experienced an
9 outbreak of COVID-19 positives among staff and inmates. On January 13, 2012, the
10 corrections facility was placed under quarantine until further notice as county public
11 health officials worked to determine the severity of the outbreak. As of the date of this
12 Order, no inmates at the facility may be transported for court hearings.
13
- 14 5. As of January 13, 2021, the transmission rate in Thurston County is 235.1 cases per
15 100,000 population over 14 days. Due to conditions in the community together with the
16 recent outbreak in the Thurston County corrections facility, Dr. Adbelmalek continues to
17 have the concerns set forth in her November 30, 2020, letter. She has recommended that
18 jury trials be further suspended, and supports the extensions set forth in this Order.
19
- 20 6. Court facilities continue to be limited in physical capacity and have constraints on
21 technical capacities. Limited by these constraints, the Court has instituted procedures
22 designed to preserve fairness for litigants consistent with appropriate COVID-19
23 mitigation measures to protect the safety of jurors, attorneys, staff and litigants as
24 directed by county health authorities. The Court is constantly reevaluating these
25 procedures to adapt to changes presented by the public health emergency. At this time,
26 these efforts cannot safely accommodate jury trials.

1 NOW, THEREFORE, IT IS HEREBY ORDERED THAT, EFFECTIVE IMMEDIATELY:

- 2
- 3 1. All criminal jury trials shall be suspended until at least March 1, 2021.
- 4
- 5 2. All civil jury trials shall be suspended until at least June 7, 2021.
- 6
- 7 3. A continuance of criminal jury trials is required in the administration of justice. Based
- 8 upon the Court's finding that the serious danger posed by COVID-19 is good cause to
- 9 continue adult criminal jury trials, and constitutes an unavoidable circumstance under
- 10 CrR 3.3(e)(8), the time between November 20, 2020, and the next scheduled hearing
- 11 after March 1, 2021, shall be EXCLUDED when calculating time for trial. CrR 3.3(e)(3).
- 12
- 13 4. The Court may extend the timeframes in this Order as required by the continuing public
- 14 health emergency, and, if necessary, will do so by further order.
- 15
- 16 5. To the extent necessary to provide the Court the authority to effectuate all actions
- 17 referenced above, court rules are hereby suspended.

18 TO THE EXTENT NOT MODIFIED BY THIS ORDER, EMERGENCY ADMINISTRATIVE

19 ORDER No. 5, No. 6 AND AMENDED EMERGENCY ADMINISTRATIVE ORDER No. 7

20 REMAIN IN EFFECT.

21 THIS ORDER IS SUBJECT TO CHANGE AS CONDITIONS WARRANT.

22

23

24 DATED this 14th day of January, 2021.

25

26 
Presiding Judge Erik D. Price