

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
SEWARD AND YORK COUNTIES
AMENDED ADMINISTRATIVE ORDER**

The Court, after carefully monitoring the evolving circumstances of the spread of the Coronavirus Disease (COVID-19), amends the following procedures and scheduling for the District Court Seward and York Counties.

IT IS ORDERED, ADJUDGED AND DECREED, that effective November 20, 2020 the following procedures shall be implemented in the Seward and York District Courts:

1. GENERAL PRECAUTIONARY

- a. All persons are required to wear a mask or face-covering covering both the mouth and nose. Face coverings may be removed with permission of the court for a witness testifying and the attorney questioning the witness; provided the individuals can maintain proper social distance of at least 6 foot.
- b. No person shall be admitted into the courtroom if they have a temperature of 100.4 degrees or higher, cough, shortness of breath or exposure to COVID-19. Any individual ordered to appear for court, who may not be permitted to enter the courtroom due to having a temperature of 100.4 or higher, cough, shortness of breath or exposure to COVID-19 shall appear by WebEx.
- c. Pursuant to guidelines issued by the Centers for Disease Control, courtroom capacity shall not exceed ten (10) people including court staff. Attendance is limited to litigants, their counsel and any necessary witnesses. The number of persons allowed in the courtroom may be limited or increased by permission of the court for a specific hearing upon good cause being shown.
- d. Parties are strongly encouraged to utilize the WebEx video/audio conferencing when possible. Counsel for the parties are responsible for making arrangements in advance of the hearing to proceed by WebEx by contacting the Court's bailiff, Carrie Sermenio by email at carrie.sermenio@nebraska.gov.
- e. No spectators shall be allowed in the courtroom. Only parties, counsel, and named witnesses may be present during court proceedings. Expanded news media coverage will be allowed as per court rule. However, the court may limit the number of news media personnel for good cause.

- f. Litigants will remain in lobby area, outside the courtroom doors, until the case is called. Litigants shall exit the courtroom immediately upon conclusion of their hearing and exit the courthouse.
- g. Evidence to be submitted for the record shall be delivered to the official court reporter, Sue Wurm, at sue.wurm@nebraska.gov at least 24 business hours prior the hearing to permit the pre-marking of the exhibit number, for the Court to consider and a copy sent to opposing counsel with the Exhibit number assigned on the Exhibit at least 24 business hours prior to the hearing.
- h. Witnesses may testify by distance using the WebEx video conferencing upon request and permission by the court. Testimony by audio conferencing is not be allowed.

2. CIVIL CASES

- a. All non-jury civil hearings scheduled for evidentiary hearings shall proceed as scheduled either in person or by WebEx video/audio conferencing if agreed to by the parties or upon further order of the Court.
- b. All civil hearings not requiring testimony, all status and civil pretrial hearings shall be conducted by WebEx video/audio conferencing system.

3. CRIMINAL CASES

- a. Defense Counsel are strongly encouraged to discuss with their clients either waiving arraignment or appearing by WebEx video conferencing. Counsel for the parties are responsible for making arrangements in advance of the hearing to proceed by WebEx videoconferencing by contacting the Court's bailiff, Carrie Sermenio by email at carrie.sermenio@nebraska.gov.
- b. All defendants shall appear for pretrial/status hearings by WebEx video conferencing until further order by the Court unless a plea agreement has been reached.
- c. Sentencings of individuals not in custody may be conducted by WebEx upon prior approval of the Court for good cause.
- d. All hearings, including sentencings, for persons in custody shall be held by WebEx video conferencing unless a request is made for "in person" be shown for good cause.

4. CRIMINAL JURY TRIALS and GRAND JURY

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that good cause exists due to the emergency conditions to continue all criminal jury trials and grand juries that are scheduled for December 2020 to January 2021 jury term, or as may be further continued by further order of the Court. The Court finds that given the risks and difficulty in finding a location that adequately provides social distancing, the Court would be unable to safely conduct jury trials and grand jury hearings at this time.

The Court specifically finds that continuing criminal jury trials outweighs the defendant's right to a speedy trial as well as the public's interest in the prompt disposition of these criminal cases. Accordingly, the period of delay resulting from the implementation of this Order is excluded for good cause, and the speedy trial "clock" in each criminal case is tolled for good cause until the next available jury trial date. See Neb. Rev. Stat. §29-1207(4) (f) (Reissue 2016); Neb. Const. Art. 1, Section 11. The Court specifically finds that continuing grand jury hearings outweighs the statutory requirement for a hearing within 30 days of certification of a need for a grand jury.

All attorneys shall continue to notify the Court and opposing counsel if any client or witness comes within any risk category, as outlined in the Administrative Order of the Chief Justice of the Nebraska Supreme Court on November 6, 2020 and shall fully comply with all provisions of said Order.

Dated this 20th day of November 2020

BY THE COURT:



JAMES C. STECKER, DISTRICT JUDGE