IN THE DISTRICT COURT OF RED WILLOW COUNTY NEBRASKA

**IN RE:** **Temporary procedures in case )**

**processing and courtroom operations** ) **General Order 20-1**

)

The Governor of Nebraska has declared a state of emergency and the Chief Justice of the Nebraska Supreme Court has issued an Administrative Order to all courts authorizing the use of procedures to assist in the prevention of the spread of COVID-19. Under the authority of the declaration, the order and the inherent power of the court to administer its docket, the following procedures will be in force in the Dawson County District Court until further notice.

**A. General**

1. All who enter the courtroom shall be first subject to observation by the court personnel for signs of fever, cough or symptoms of respiratory illness and to determine if any person fits in any of the exclusion categories. Court personnel are authorized to deny admission to any person who presents with a fever, cough, symptoms of respiratory illness or who fits in an exclusion category.

2. Seating in the courtroom will be limited to 25 persons at one time and all who enter will be seated in the locations assigned by court personnel.

3. All business involving the court reporter and the clerk, e.g., scheduling hearings, checking files, etc., shall be conducted by telephone. Court filings shall be made electronically.

4. All cases requiring an in-person hearing shall be scheduled at specific times and for specific durations only. To maintain such schedule, if a party is late or more time is required than scheduled, the case will be continued to another date and time.

5. Until directed otherwise by higher authority, the courtroom is open to the press in assigned locations. If a member of the press is denied access due to illness, equipment will be available for remote observation of the proceedings via video, audio or both.

**B. Criminal cases**

1. Except in cases where the county attorney validly objects, written pleas of not guilty will be accepted for nonviolent lower level felonies, i.e., Class III and lower.

2. Arraignments for persons who do not submit written pleas will be scheduled on specific days at specific times.  The schedule for the arraignments will be made by the court reporter.

3. Requests for bond reductions or changes will be submitted by written motion, supported by affidavit and heard only at the time of the arraignment or if, a written plea was entered, the request will be submitted and decided without a hearing.

4. Continuances from defendants charged with nonviolent lower level felonies shall be made by motion and supporting affidavit only and must be submitted no later than 48 hours before the hearing. Unless there is an objection or a speedy trial issue, the continuance request will be submitted without a hearing with the presumption the continuance will be granted if a factual basis is evident from the affidavit.

5. Hearings to enter guilty or no-contest pleas and sentencings will be scheduled on one day only and will be scheduled at specific times.

6. If a defendant is required to appear for a hearing, e.g., to enter a guilty or no-contest plea, or to be sentenced, the defendant will not be admitted into the courtroom until 10 minutes before the scheduled hearing time. No more than four defendants shall be in the courtroom at one time.  If a defendant is accompanied by a spouse, family or other supporters, such persons will sit in assigned seats in the courtroom.

**C. Civil cases**

1. All hearings for temporary orders, on motions for summary judgments, to set progression schedules, and pretrial conferences will be conducted by telephone conference and on affidavit evidence.

2. All jury trials scheduled for March and April 2020 shall be continued until later dates.

3. The number of litigants and lawyers in the well of the courtroom shall be limited to four.

**SO ORDERED this 17th day of March 2020.**

By the Court:

David W. Urbom

District Judge