

IN THE DISTRICT COURT OF CEDAR, DAKOTA, DIXON COUNTIES, NEBRASKA

RE: In the Matter of Maintaining Judicial)
Operations During the Novel)
Coronavirus and COVID-19 Disease)
Restrictions)
)
)

ORDER

STATE OF NEBRASKA
DAKOTA COUNTY (SS)
FILED
MAR 30 2020
CLERK OF DISTRICT COURT
DEPUTY

The District Court of Cedar, Dakota, and Dixon Counties of the Sixth Judicial District are continually monitoring the public health considerations as these change on a daily basis, in an attempt to adjust court operations to comply with potential courthouse closings and limitations of the number of people who are allowed to safely gather in a public place. In an effort to comply with these restrictions and limitations, the Court provides the following:

WHEREAS, the Governor of the State of Nebraska has issued a restriction on the number of people who may gather in a public place to ten (10) or less; and

WHEREAS, as a result of this restriction, county boards in the above-named counties may take precautions by closing or restricting access to their county courthouses; and

WHEREAS, there has been no Order issued from the Supreme Court of Nebraska which limits court or probation operations, declares a non-judicial day or closes any court in the State of Nebraska; and

WHEREAS, the Nebraska Supreme Court has ordered all courts and probation offices to devise and implement emergency preparedness plans to carry out mission essential functions of the courts.

The Court hereby instructs, notifies, and orders as follows:

1. In the face of any courthouse closings by the elected county officials of the above-named counties, the Court implores those county officials to allow the courts to remain open and for court staff to come to work to perform the necessary and essential functions of maintaining law and order, protecting constitutional rights, and allowing for the implementation of justice to the greatest extent possible;
2. There will be no civil or criminal jury trials while the ten (10) person gathering restriction continues;
 - a. With regard to civil jury trials, these will be continued to a future date, after consultation with counsel, by Order of the Court;

- b. With regard to criminal jury trials, the defendants shall be asked to waive their constitutional right to a speedy trial. In the event such right is waived, the jury trial will be continued until further Order of the Court. In the event such right is not waived, the Court shall conduct a hearing, to be attended by essential persons only, for the purpose of determining if the jury trial should be continued for good cause, pursuant to Neb. Rev. Stat. §29-1207(4)(f).
3. Trials to the bench shall be conducted on the record, either in person with no more than ten (10) persons in the courtroom at one time, or by video conference, in consideration of any stipulations between the parties with respect to the necessity of in-person testimony.
4. Arraignment hearings shall be performed by way of written form, advising each defendant of his or her constitutional and statutory rights, allowing the defendant to confirm his or her understanding of the general nature of the charges filed and the possible penalties, and allowing a written plea of not guilty. The Court shall inform all criminal defendants of a future pre-trial date and trial date and also advise the defendant of the potential attendance in person, by video conference, or telephone conference. All pleas of guilty shall occur in person or by video conference and shall be on the record.
5. Pretrial motions shall be handled as follows:
 - a. Criminal cases may occur by video conference or teleconference, on the record, on a case-by-case basis. If an evidentiary hearing is necessary, it shall be specially set by the Court and will occur either in person or by video conference, preserving a defendant's right of confrontation.
 - b. Civil cases shall occur by video conference or teleconference, unless specially set by the Court to occur in person, and shall be on the record. Witnesses may testify by distance conferencing by stipulation of the parties.
 - c. Evidence to be submitted for the record shall be delivered to the Court in either electronic or paper form, prior to the hearing, for the Court to consider.
6. Criminal sentencings shall occur in person or by video conference, on the record, at times and dates specially set by the Court.

7. Protection order hearings shall occur in person, attended only by essential persons, or by video conference, on the record, at times and dates specially set by the Court.
8. Any party or their attorney may petition the Court and request a hearing, on the record, for relief from the foregoing Order or to object in any way to the Court's procedures in this regard. Any request will be addressed as soon as practicable.
9. All other matters will be handled on a case-by-case basis and communication with the Court and court staff is hereby requested by all persons wishing to do business with the Court.
10. 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 March 12, 2020, and shall fully comply with the provisions of said Order.
11. This Order may be modified at any time as deemed necessary by the presiding Judge of the above-named Counties or by the presiding Judge of this district.

IT IS ORDERED.

Dated this 30th Day of March, 2020



DISTRICT JUDGE