

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA

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Order (Covid-19)

FILED
State of Nebraska Dakota County

JUL 06 2020

Clerk of Dakota County Court

Now on July 6, 2020, in response to the June 30, 2020, Order of Michael G. Heavican, Chief Justice of the Nebraska Supreme Court this matter comes on to supplement the Order of this Court entered April 30, 2020. The Court on its own motion modifies procedures to be utilized during the current state of emergency. Being fully advised in the premises, and in an effort to maintain judicial operations and access to the court system, while mitigating exposure to, and the spread of COVID-19, the Court finds and orders as follows:

On March 13, 2020, President Donald J. Trump declared that the COVID-19 outbreak in the United States is a national emergency. That same day Governor Pete Ricketts declared that a state of emergency exists within the State of Nebraska as a result of the COVID-19 outbreak. On March 29, 2020, President Donald J. Trump extended the social distancing guidelines for another 30 days taking it to April 30, 2020.

Since Nebraska's first reported case, community transmission of COVID-19 has occurred within the State of Nebraska, and will likely spread statewide. In response to this disease, the Centers for disease control and Prevention (CDC) and the Nebraska Department of Health and Human (NEDHHS) services have established guidelines to reduce the risk of contracting or spreading Covid-19. As of July 2, 2020, Dakota County, Nebraska, had 1785 confirmed cases¹ of Covid-19 according to Dakota County Health authorities.

¹ See cases of Covid-19 reported for Dakota County on the State of Nebraska website: <http://dhhs.ne.gov/coronavirus>.

Due to the emergencies declared by the President of the United States and the Governor of the State of Nebraska, as well as the guidelines established by the CDC and the NEDHHS, and in the Court's efforts to protect the health, safety, and welfare of the parties, attorneys, court staff, judges, and the general public, the Court continued most of the criminal, traffic, and juvenile cases that were pending on March 13, 2020, to April 20, 2020, in the hopes that the emergency could be abated to some extent. However, it now appears that such is not the case as noted above by the alarming number of Covid-19 cases now reported to exist in Dakota County, Nebraska.

Therefore this Court finds that good cause exists to continue matters on a case by case basis as may be needed approximately thirty days until July 31, 2020, thereby modifying, supplementing and extending this Court's earlier order entered March 31, 2020, related to the subject matter herein. This finding includes a finding of good cause to exclude the following time periods from the speedy trial/adjudication computation in all criminal, traffic, and juvenile cases, which were pending before the Court as of March 13, 2020, and those cases, pending and/or filed during such periods as are hereafter described. See NEB. REV. STAT. §§ 29-1207(4)(f), 43-277, and 43-278.

IT IS THEREFORE ORDERED that, effective immediately, and until further order of the Court:

1. All in-person hearings for civil and probate cases which are not an emergency in nature and which do not involve statutorily mandated time limits may be continued on a case by case basis until further order of the Court, unless scheduled as set forth in paragraph 5. Cases considered to be emergency, or which involve statutory time limits (i.e. protection orders, adoptions, etc.) will be scheduled accordingly.

2. All in-person hearings for criminal and traffic cases shall be heard on a case by case basis as scheduled by the Court.
 - a. If the Court orders a continuance due to the Covid-19 outbreak and/or resurgence of infections, the period of time between a defendant's currently scheduled court date and the date upon which the defendant's next court date is scheduled shall be excluded in computing the time for trial, pursuant to the Court's finding of good cause under NEB. REV. STAT. § 29-1207(4)(f).
 - b. Bond review hearings shall be conducted via telephone or videoconference where possible. Any defendant or counsel requesting a bond review hearing shall contact the Court to have such hearing scheduled. Bond reviews without a hearing may be conducted by the agreement of the parties, with the approval of the Court.
 - c. Settlement agreements involving a joint recommendation for a sentence of a fine may be handled by written waiver, with the approval of the Court. Parties should contact the Court to obtain approval and a waiver form.
3. All in-person hearings in juvenile cases shall be scheduled as set forth below or in paragraph 5, or otherwise ordered by the Court.
 - a. The period of time between a juvenile's/parent's currently scheduled court date and the date upon which the juvenile's/parent's next court date is scheduled shall be excluded in computing the time for trial if the Covid-19 outbreak and/or resurgence of infections necessitates a continuance of the same, pursuant to the

Court's finding of good cause under NEB. REV. STAT. §§ 29-1207 (4)(f), 43-277, and 43-278.

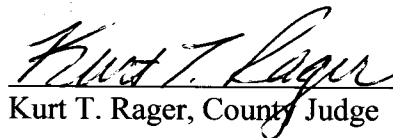
- b. Detention/protective custody hearings will be conducted as required by statute. Such hearing will be conducted in-person, or via telephone or videoconference, at the discretion of the court in consultation with the parties.
 - c. Juvenile review and permanency hearing in which there are no objections to the case plan/court report may be conducted upon the written stipulation of the parties. Upon the filing of a written stipulation, the Court will enter the appropriate orders.
4. In all case types the use of written filings is encouraged to keep cases progressing (e.g. written denials/not guilty pleas, written requests for a preliminary hearing, waiver of a preliminary hearing, stipulations and agreements, etc.)
5. Cases of any type may be scheduled as follows:
- a. Any non-evidentiary hearings may be heard via telephone or videoconferencing upon the request of any party, ***with the approval of the Court***. Any party requesting a telephonic or videoconferencing hearing shall be responsible for scheduling such hearing with the Court.
 - b. Evidentiary hearings may be heard via telephone or videoconferencing upon the agreement of all parties, ***with the approval of the Court***. The stipulation of the parties to conduct an evidentiary hearing via telephone or videoconference shall be filed with the Court prior to scheduling such hearings. The parties shall

be responsible for obtaining the Court's approval for such hearing, and for scheduling such hearing with the Court.

- c. At all in-person evidentiary and non-evidentiary hearings ordered by the Court, all parties, their attorneys, and the witnesses testifying will be allowed in the courtroom, but everyone in the courtroom shall wear masks, abide by social distancing spacing requirements, and may be screened for symptoms and exposure to Covid-19.
6. Expanded news media coverage will be allowed pursuant to court rule. However, the Court may limit the number of news media personnel.
7. This Order may be modified and/or supplemented as the circumstances warrant.

IT IS SO ORDERED on July 6, 2020.

By the Court:


Kurt T. Rager, County Judge

