

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
SAUNDERS, BUTLER, AND COLFAX COUNTIES
AMENDED ADMINISTRATIVE ORDER

In consideration of the current severe risk of the spread of the Coronavirus Disease 2019 (COVID-19) as indicated by the risk dial in all three Health Districts moving from “High” to “Severe” as of November 19, 2020, and the lack of hospital beds within local communities, this Court finds that changes in procedure and scheduling are necessary to protect the public, litigants and court personnel.

IT IS ORDERED, ADJUDGED, AND DECREED, that effective November 23, 2020, the following procedures shall be implemented in the above noted district courts:

I. GENERAL PRECAUTIONARY MEASURES

- A. All persons are required to wear a mask or face covering completely covering and concealing their nose and mouth and such masks shall be worn at all times in the district courtrooms
- B. No person shall be admitted into the courtroom if they have a temperature of 100 degrees or more or if they refuse to have their temperature taken.
- C. No more than 10 persons are allowed in the District Courtrooms at any time including court personnel. 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 encouraged to utilize web-based conferencing systems or the telephone to conduct any non-evidentiary hearing. Counsel for the parties are to make such arrangements by communicating with the Court Bailiff, Tracy Svoboda, in advance of the hearing.

II. CIVIL CASES

- A. All non-jury civil cases scheduled for evidentiary hearings shall proceed as scheduled either in person or by audio visual platform if agreed to by the parties and approved by the Court.
- B. All civil hearings not requiring evidence (testimony and/or affidavits), all status hearings, and all pretrial hearings shall be conducted either telephonically or using a web-based system. Counsel for the parties are to make such arrangements by communicating with the Court Bailiff, Tracy Svoboda, in advance of the hearing.

III. CRIMINAL CASES

- A. All defendants who are represented by counsel are excused from status hearings and pretrial hearings until further order of the court UNLESS a plea agreement has been reached.
- B. Defense counsel shall file written waivers of arraignment or arrange to have their clients appear by web-based hearing.
- C. By agreement of the parties, sentencings may be conducted remotely by a web-based hearing.
- D. All hearings for persons in custody not requiring the presentation of evidence shall be by web-based hearing.

IV. CRIMINAL JURY TRIALS

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that good cause exists due to the emergency conditions to continue all criminal jury trials that are scheduled for December 2020 to after January 8, 2021, or as may be further continued by further order of the Court. The Court finds that given the risk to jurors, court personnel, litigants and interpreters, the Court may not safely conduct jury trials at this time despite the best efforts of the court staff and the counties to provide a safe location for jury trials.

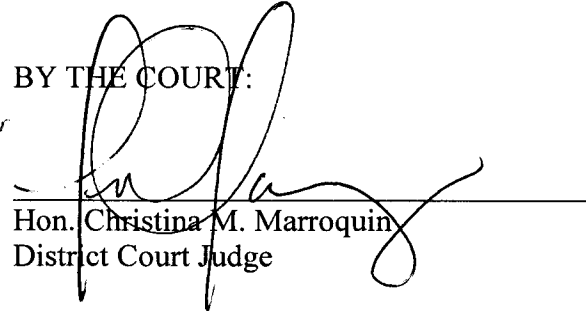
The Court enters this Order due to the Court's inability to safely call and retain and adequate cross-section of jurors, and the effect of following the rapidly evolving public health recommendations on the availability of parties, counsel, citizens accused, law enforcement

officers, and court staff. The Court specifically finds that continuing these criminal jury trials outweighs the citizen accused'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. §29-1407(4)(f) (Reissue 2016); Neb. Const. Art. 1, Section 11.

Dated this 20th day of November, 2020.

IT IS SO ORDERED.

BY THE COURT:



Hon. Christina M. Marroquin
District Court Judge