

**IN THE COUNTY COURT OF BOX BUTTE, MORRILL, AND GRANT COUNTIES,  
NEBRASKA**

|                                  |                      |
|----------------------------------|----------------------|
| IN THE MATTER OF MAINTAINING )   |                      |
| COURT OPERATIONS DURING THE )    |                      |
| COVID-19 PANDEMIC RESTRICTIONS ) | ADMINISTRATIVE ORDER |
| )                                | (April 3, 2020)      |

In keeping with the March 12, 2020 Administrative Order of the Chief Justice of the Nebraska Supreme Court, the March 30, 2020 Directed Health Measure Order 2020-005 from the Nebraska Department of Health and Human Services, the current national emergency, and the recent Covid-19 infections within the 12<sup>th</sup> Judicial District, the Court orders the following measures to insure the health and safety of the public at large, litigants, attorneys, courthouse staff, and court staff:

**I. E-file:**

To the extent attorneys are not currently accessing online e-filing services, attorneys are directed to do so in order to reduce in-person contact for filings. Judges can sign orders via an e-filed proposed order.

**II. Criminal Cases:**

a. Parties without counsel—Arraignments, first appearances by juveniles, and all other initial appearances shall be by video conferencing, or teleconferencing if video conferencing is not available. Parties shall be given a videoconference code, and/or toll-free telephone number and participant code, prior to their appearance. No arrest warrants shall be issued for a failure to appear on a citation or citation on lieu of arrest unless good cause is shown.

b. Parties with counsel—Counsel are directed to contact their clients and arrange their appearance by videoconference or teleconference. Written waivers of arraignment and preliminary hearings will be accepted in all cases.

c. Defendants in custody—Defendants shall appear via videoconference or teleconference from the jail. Attorneys shall confer with their clients, either by video or telephone, prior to any hearings in order to obtain written waivers of arraignment and/or preliminary hearings. In the event a defendant does not consent to appear either by video or telephone, the attorney shall file a motion to continue the matter pursuant to the attached rule regarding continuances.

d. With the defendant's consent, the following may be conducted using video conferencing, or teleconferencing if video conferencing is not available: Arraignments; preliminary hearings; bond/detention hearings; probation revocation hearings; suppression hearings and hearings *in limine*; pretrial conferences; bench trials; pleas of guilty or no contest and sentencing where either probation or a fine is recommended by both the State and Defendant.

In the event a defendant does not consent to appear either by video or telephone, the defendant shall file a motion to continue the matter pursuant to the attached rule regarding continuances.

### III. Juvenile Cases:

The following may be conducted using video conferencing, or teleconferencing if video conferencing is not available: First Appearances; detention hearings; placement hearings; probation revocation hearings; suppression hearings and hearings *in limine*; pre-adjudication conferences; adjudication; reviews; admissions or no contest pleas and disposition.

### IV. Civil Cases:

**ALL** civil hearings that can efficiently and effectively be done via videoconference or teleconference shall be conducted in that manner. Counsel are responsible for arranging their client's appearances.

### V. Criminal and Civil Cases:

The Court recognizes the Nebraska statutes regarding testimony via telephone and/or videoconferencing. However, the court directs that witness may appear and give testimony via videoconference or telephonically **unless an objection is filed 3 days prior to any hearing. A failure to object will be deemed a waiver.** Counsel are responsible for providing witnesses with the videoconference ID and/or telephonic conference number and participant code.

Telephonic appearances: (866) 993-5554; participant code 364602#

Attorneys and *pro se* individuals must provide their email address to receive invitations to appear by videoconference.

### VI. JURY TRIALS:

There shall be no jury trials held prior to June, 2020. Defendants shall be asked to waive their statutory and constitutional right to a speedy trial. In the event of a waiver, the jury trial will be continued to a future date. In the event that the right is not waived, a hearing shall be held to determine if the jury trial should be continued for good cause pursuant to Sec. 29-1207 (4)(f).

### VII. COURTROOM RESTRICTIONS:

Upon a showing of extraordinary circumstances, access to the courtroom shall be limited to law enforcement, attorneys, defendants, civil litigants, witnesses, and minors and parents of minors involved in the litigation. **PLEASE NOTE:** Others may attend either via videoconference or teleconference.

### VIII. Uncontested Matters:

Any matters that are not contested shall be done via stipulation and order, and shall be filed prior to the hearing.

THIS ORDER SHALL REMAIN IN EFFECT UNTIL AMENDED OR VACATED.

Dated: April 3, 2020

BY THE COURT:  
  
COUNTY JUDGE



**IN THE COUNTY COURT OF BOX BUTTE COUNTY, MORRILL COUNTY, AND  
GRANT COUNTY, NEBRASKA**

RULE REGARDING CONTINUANCES

)  
)

Local Court Rule for  
Continuances


In addition to the requirements set forth in Neb. Rev. Stat. § 25-1148, a motion for continuance shall set forth whether the opposing party has any objection. If the opposing party does not object to the continuance, the movant shall be responsible for arranging, as soon as practical, a new date and time with all opposing parties and the court. If the opposing party objects, it is the responsibility of the party filing the motion to set the motion for hearing. Except for exigent circumstances, a motion for a continuance shall be filed at least five working days prior to the hearing for which the continuance is requested.

Stipulations for continuances are subject to the approval of the court based upon the reasons given, the progression schedule, and the availability of an alternate date. All orders for a continuance of a hearing shall specify the date and time of the rescheduled hearing and be prepared by the movant. Upon the filing of a motion for continuance, absent a prompt request for hearing by the movant, or another party, the court will take no action on the motion.

IT IS SO ORDERED

Dated: December 7, 2017

BY THE COURT:

  
\_\_\_\_\_  
COUNTY JUDGE