

IN THE DISTRICT COURTS OF GAGE, JOHNSON AND PAWNEE COUNTIES

FILED In The Office of the Clerk of the District Court In Gage County, Nebraska

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

ORDER MAR 20 2020

Debbie H. LeBlanc CLERK OF THE DISTRICT COURT DEPUTY

The Judges of the District and County Courts of the First 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 counties of the First Judicial District 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 counties within the First Judicial District, 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. The Court finds, pursuant to Neb. Rev. Stat. §29-1207(4)(f), that good cause exists to continue matters currently before the Court for a period of approximately sixty (60) days. In keeping with this Order, the period of time between a criminal defendant's currently scheduled court date and the date upon which said defendant's next court appearance is scheduled shall not count against the

State of Nebraska in its duty to bring the defendant to trial within six months of the date of filing of the information.

It is therefore ordered by the Court, on its own motion, that criminal hearings currently scheduled with the Court should be, and hereby are, continued for a period of approximately sixty (60) days. The Bailiff is ordered to reschedule cases for hearing and notify the parties and/or their counsel of their new hearing date and time. In keeping with this Order, the period of time between a criminal defendant's currently scheduled court date and the date upon which said defendant's next court appearance is scheduled shall not count against the State of Nebraska in its duty to bring the defendant to trial within six months of the date of filing of the information.

3. 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 will endeavor to inform all criminal defendants of a future pretrial date, and also advise the defendant of the potential attendance in person, by video conference or telephone conference. All pleas of guilty are suspended until further order.

4. Pretrial motions shall be handled as follows:

a. Criminal cases may occur by video conference or teleconference, if available, 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 defendant's right of confrontation.

b. Civil cases may occur by video conference or teleconference, if available, 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.

5. Criminal sentencings shall occur in person or by video conference, on the record, at times and dates specially set by the Court.

6. Protection order hearings shall occur in person, attended only by essential persons, or by video conference, if available, on the record, at times and dates specially set by the Court.

7. 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.

8. 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.

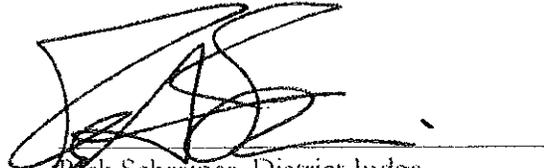
9. All attorneys shall continue to notify the Court and opposing counsel if any client or witness comes within any risk category, as outlined in the Administrative Order of the Chief Justice of the Nebraska Supreme Court on March 12, 2020, and shall fully comply with all provisions of said Order.

10. Pursuant to guidelines issued by the Centers for Disease Control, courtroom capacity shall not exceed ten (10) people including court staff and attendance is limited to litigants and their counsel and any necessary witnesses.

11. The courtroom remains open to members of the media and expanded news media coverage will be allowed on a case by case basis however the Court may limit the number of news media personnel.

12. This Order may be modified at any time, as deemed necessary by the presiding Judges of this district. We ask your cooperation and patience as we all work together to get through this most difficult time.

Dated: March 20, 2020.



Jack Schreiner, District Judge
Gage, Johnson and Pawnee Counties