

VIRGINIA :

**IN THE CIRCUIT COURT OF THE 31ST JUDICIAL CIRCUIT
SPECIAL ORDER OF APRIL 23, 2020**

IN RECOGNITION OF the covid-19 pandemic, and in conjunction with Orders of the Virginia Supreme Court, dated March 16 and March 27, 2020, declaring a state of Judicial Emergency, this Court entered Special Orders dated March 13 and March 16, 2020. The March Special Orders of this Court are in effect until April 30, 2020. Further, on April 22, 2020, this Court issued a Memorandum Regarding Temporary Procedures for Certain Civil Matters, to be in effect for the duration of the present Judicial Emergency.

UPON CONSIDERATION of the Supreme Court's April 22, 2020, Third Order Extending Declaration of a Judicial Emergency it is hereby ORDERED as follows:

The previous Orders of this Court of March 13 and March 16, referenced above, are hereby incorporated in this Order and extended; however, the provisions of this Order on specific topics shall be controlling.

Civil Cases:

1. Effective immediately, with the exception of cases constituting "emergency matters" as defined in Paragraph 1 of the Supreme Court's March 16, 2020, Order and Paragraph 4 of the Supreme Court's March 27, 2020, Order and cases having statutory priority, no additional civil hearings, motions or trials shall be scheduled for the period from April 23, 2020 through May 30, 2020. Counsel or parties who believe their case constitutes an emergency matter within the Supreme Court's Orders and/or is entitled to statutory priority should communicate the same to the Clerk who will consult with Chambers before setting such matter for hearing. From April 23, 2020, to May 30, 2020, no additional civil hearings, motions or trials shall be scheduled for hearing without leave of court.

2. Civil Term Day for May 5, 2020 is cancelled. The Clerk is directed to continue all civil cases presently set on the May 5, 2020 Term Day docket to the July Term Day, July 7, 2020 at 2:00 p.m. Agreed trial dates may continue to be set in accordance with normal practice.

3. Civil cases, including trials and motions, which are not emergency matters and/or are without statutory priority previously scheduled to begin between April 23, 2020 and May 30, 2020 will be continued to a date after May 30, 2020. Counsel may contact Judges' Chambers to obtain a new date. Unless otherwise rescheduled by agreement of counsel after consulting with Judges' Chambers, all other civil trials originally scheduled between April 23, 2020 and May 30, 2020 will be continued to the July term day docket to be re-set. Civil motions may be re-set for a motions day after May 30, 2020 by filing a Praecipe/Notice with the Clerk of Court. Such filings may be by electronic mail to circuitcourt@pwcgov.org.

4. If agreed by all parties, the Court will consider and rule on non-evidentiary civil motions without argument or with argument by audio/visual means or by teleconference in accordance with the procedures set forth in the Court's Memorandum of April 22, 2020.

5. Agreed continuance Orders pursuant to the Special Continuing Order entered on March 12, 2020 may be filed with the Clerk by electronic mail at circuitcourt@pwcgov.org. The Clerk shall forward such Orders to Chambers for entry.

6. The Clerk is directed to limit the civil motions that may be scheduled for June 5, 2020 to a reasonable number as determined in her judgment to prevent that docket from becoming overcrowded.

Criminal Cases:

7. Criminal Term Day for May 5, 2020 will go forward as scheduled.

8. The Court will hear arraignments and motions to reconsider sentences each day at 10:00 a.m. by video. Non-incarcerated defendants are excused from appearing at status and to-be-set hearings. Incarcerated defendants will appear for such hearings by video. The court will hear bond motions each day at 11:00 a.m. by video. Bond motions must be filed two days in advance of the hearing in accordance with existing practice.

9. Subject to a defendant's right to a speedy trial, all pleas and trials for non-incarcerated defendants will be continued. Unless otherwise rescheduled by agreement of counsel after consulting with Judges' Chambers, pleas and trials scheduled between April 23, 2020 and May 30, 2020 will be continued to the July term day docket to be re-set. Counsel must notify the court in advance of the existing trial date if a defendant's speedy trial rights are implicated. The court will decide whether trials will go forward on a case by case basis after considering the factors enumerated by the Supreme Court in its Order Extending Declaration of Judicial Emergency entered on March 27, 2020.

10. The court will hear pleas for incarcerated defendants on Thursdays at 10:00 a.m.

11. In cases where counsel believes that the speedy trial rights of an incarcerated defendant are implicated, it shall be incumbent on counsel to bring the issue to the attention of the court in advance of the existing trial date to allow the Court an opportunity to make an appropriate decision about proceeding with the case. The court will decide whether trials will go forward on a case by case basis after considering the factors enumerated by the Supreme Court in its Order Extending Declaration of Judicial Emergency entered on March 27, 2020.

12. Sentencing and revocation hearings for non-incarcerated defendants will be continued to the assigned judge's July sentencing date. Sentencing and revocation hearings for

incarcerated defendants will go forward as scheduled unless continued by agreement of the defendant and the Commonwealth's Attorney.

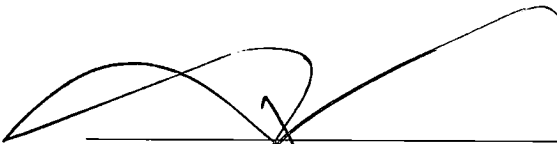
13. Pretrial motions for incarcerated defendants and defendants whose speedy trial rights are implicated will be heard on Thursdays at 10:00 a.m. in accordance with the current practice.

Jurors:

14. The Clerk of Court is hereby given authority to excuse any juror who reports that he or she is experiencing flu-like symptoms, or is under either self-quarantine or mandatory quarantine, or is caring for a family member who is experiencing flu-like symptoms or is under either self-quarantine or mandatory quarantine.

There may be further adjustments to the Court's dockets if the public health situation warrants. Any such changes will be communicated by a separate Order.

ENTERED this 23rd day of April, 2020.



Tracy C. Hudson, Chief Judge
Circuit Court