

**CITY OF WINCHESTER AND FREDERICK COUNTY
GENERAL DISTRICT COURT**

ORDER

The respective chief judges of the various judicial districts are responsible for the administration of the individual courts. See Va. Code § 16.1-69.35. During this unprecedented situation of the COVID-19 outbreak, it seems only reasonable that the authority to close (or leave open) the court and clerk's office as set forth in the statute naturally encompasses the authority to determine how those courts will operate when open - crowd management or limitation, liberal continuance policy or any other further steps to protect the public. Over the past several weeks, it seems that there is a section of our population that is particularly vulnerable to COVID-19. Furthermore, as of the date of this Order, the Virginia Supreme Court has not provided the judicial districts with any uniform policies or procedures. Therefore, I am executing my apparent authority under Va. Code § 16.1-69.35 to hopefully mitigate the spread of COVID-19 and protect the public. While these steps may be difficult in the short-term, in speaking with the clerks and other judges throughout the Commonwealth, the steps taken in this Order are necessary in order to hopefully mitigate the spread of COVID-19.

Therefore, the following is ordered for the City of Winchester and Frederick County General District Court **EFFECTIVE WEDNESDAY, MARCH 18, 2020**:

1. TRAFFIC INFRACTIONS:

- A. All traffic infractions currently scheduled from Wednesday, March 18, 2020 until Thursday, April 30, 2020 will be continued until dates in June, July and August. At a later time, the clerk's office will notify the public and attorneys representing individuals of the new court dates; and

- B. All new traffic infractions written by all law enforcement agencies from March 18, 2020 until April 30, 2020, will have return dates beginning in June and scattered throughout the summer months.

2. FELONY AND MISDEMEANOR CASES:

- A. All felony and misdemeanor cases currently set will go forward as currently scheduled. HOWEVER, a LIBERAL CONTINUANCE POLICY is in place. All cases currently scheduled between March 18, 2020 until April 30, 2020 may be continued without providing a reason. The only EXCEPTION to this rule is if the defendant is being held without bond and the Commonwealth desires the continuance. In those cases, normal continuance rules apply;
- B. The Magistrate is directed to set initial return dates for all felonies and misdemeanors – for individuals who are not being held without bond – to return dates beginning in June: and
- C. It is also recommended that counsel in felony and misdemeanor cases convince all non-essential witnesses in those cases to not come to the courthouse to observe the case.

3. CIVIL TRIALS:

- A. All currently scheduled civil trials will go forward at this time;
- B. However, a LIBERAL CONTINUANCE POLICY will be in place for all currently scheduled civil trials. Counsel or the parties must notify the Clerk's Office of the desire for a continuance; and
- C. It is also recommended that counsel or the parties in civil trials convince all non-essential witnesses in those cases to not come to the courthouse to observe the case.

4. CURRENT CIVIL CASES SET FOR INITIAL RETURN DATES:

- A. Effective Wednesday, March 18, 2020 until Thursday, April 30, 2020 all civil returns that are NOT UNLAWFUL DETAINERS will be rescheduled to return dates beginning in June; and
- B. At this time, all unlawful detainers currently scheduled during the above time period will still occur on the currently scheduled return date.

5. NEW CIVIL CASE FILINGS:

- A. All new civil case filings, EXCEPT UNLAWFUL DETAINERS, will be scheduled for return dates in June; and
- B. At this time, new unlawful detainees will be scheduled pursuant to the statutory timeframes.

6. PROTECTIVE ORDERS:

- A. Protective Orders will proceed as normal.

The Court and the Clerk's Office sincerely appreciates the public and counsels' cooperation in these matters. We hope that these actions will be the only actions that are necessary during this time period. However, if things change or the District Courts receive further guidance from the Virginia Supreme Court, further orders and mitigation steps may follow.

ORDERED the 16th DAY of MARCH 2020.

William W. Eldridge IV
Chief Judge
26th Judicial District

Cc:

Winchester/Frederick Bar Association
Frederick County Commonwealth's Attorneys Office
Winchester Commonwealth's Attorneys Office
Office of the Public Defender
All Local Law Enforcement Agencies
Magistrate
WHSV
Winchester Star
Judge Amy Tisinger
Judge Dale Houff