

IN THE GENERAL DISTRICT COURT FOR THE CITY OF COLONIAL HEIGHTS

ORDER

Pursuant to the State of Emergency declared by the President of the United States, the Governor of Virginia, the Chief Justice of the Supreme Court of Virginia, and pursuant to Virginia Code Section 16.1-69.35(5), the Chief Judge of the General District Court having determined that, under the prevailing conditions, there exist an emergency health crisis that constitutes a threat to the health and safety of both the general public and the clerk's office personnel, it is hereby **ORDERED**:

1. The General District Clerk's Office is closed to the public on Monday, March 16, 2020. The Clerk's office personnel and the Judges will report for work as required by their supervisors. Incarcerated defendants will be arraigned by video only.

2. All **traffic offenses**, including reckless driving, driving while suspended or revoked, driving under the influence, misdemeanor hit and run, and other misdemeanor offenses charged under title 46.2 of the Code of Virginia, all toll violations, all building code violations and county licensing violations scheduled March 16, 2020 through April 6, 2020 are hereby continued, and will be rescheduled by the Clerk's office to the Officer's next available date. Notice of the new court date will be sent to defendants at the address listed on the summons or warrant. **If the address on your document is incorrect you should notify the court immediately.** The public is advised to either check the Supreme Court website, <http://www.courts.state.va.us> under case status information for Colonial Heights for their specific case information or call their respective Clerk's Office to determine the new date. Due to the prevailing conditions, this information may not be available for several days. **Failure to notify the court of a change in address, or check your court date, will result in you being tried in your absence. If an**

offense is prepayable you are encouraged to prepay your ticket.

3. All **civil cases on the general civil docket and trials** scheduled March 16, 2020 through April 6, 2020 are hereby continued and they will be rescheduled by the Clerk. Any emergency motions or hearings that may be needed will be handled, at the presiding Judge's discretion, on a case-by-case basis scheduled through the Clerk's office. These emergency matters may be scheduled for a hearing before the Court. In the alternative, the hearings may be conducted by a conference telephone call if the parties agree. Any agreed Orders may be submitted by fax or email to the court during the pendency of the State of Emergency. Pursuant to Rule 1:13 of the Rules of the Virginia Supreme Court the Court may dispense with the endorsement of counsel on any agreed Order so long as the Order includes a statement that counsel has consulted with opposing counsel and they agree to entry of the Order.

4. **Criminal cases** involving incarcerated defendants or felonies scheduled March 16, 2020 through April 6, 2020 are hereby continued and they will be rescheduled by the Clerk. Criminal cases resume as scheduled on April 7, 2020 at their regularly scheduled time. Upon request of an incarcerated defendant or their counsel, the Court will consider requests to proceed to trial during the State of Emergency, in the sole discretion of the presiding Judge. Misdemeanors scheduled March 16, 2020 through April 6, 2020, in which the defendant is not incarcerated are hereby continued and will be rescheduled by the Clerk's office. Misdemeanors scheduled for April 7, 2020 and beyond will resume as scheduled at their regularly scheduled time. The Commonwealth's Attorney and defense counsel are ORDERED to communicate prior to the scheduled hearing to resolve any discovery concerns or other needs that are required to go proceed with the case on the scheduled date. If a continuance is needed an Order shall be submitted to the Court by fax before the Court date. Any such continuance Order shall include a

provision that Counsel have consulted and both parties and the defendant have agreed to a continuance of the matter. This should include any co-defendant cases if necessary. Absent extraordinary circumstances, requests for continuances on the Court date will be denied if it is apparent that the matter should have been continued in advance. All criminal cases scheduled March 16, 2020 through April 6, 2020 will be rescheduled through the Clerk's office with the assistance of the Commonwealth's Attorney's office and/or defense Counsel.

5. **Preliminary Protective Order** requests will be considered by the Court based on the facts contained in the affidavit filed by the petitioner and/or criminal charges pending against the defendant alleging an act of violence, force, or threat. Such requests can be filled out on the Supreme Court website listed above under "General District General Forms." They are also available on the desk outside the Clerk's Office. These requests, and associated affidavits, shall be filled out by the Petitioner prior to entering the Clerk's Office. Hearings on the request for a **Protective Order** will be scheduled for the date and time of the pending criminal charge or at 10:45 a.m. on a date set within the time required by the Code of Virginia.

6. Effective March 16, 2020, all arraignments and bond hearings for incarcerated defendants shall be conducted with the defendant appearing from the correctional facility by video conference. In the event such video conference is not available the Sheriff shall notify the Court so that accommodations may be made. Counsel for the defendant and the Commonwealth may submit agreed Orders, by fax or email, for bond or bond modifications for the Court's consideration. The Court recommends evidence be presented by proffer or stipulation.

7. All **bonded/out-of-custody arraignments** scheduled March 16, 2020 through March 31, 2020 at 10:30 a.m. will be rescheduled. **Notice of the new court date will be sent to defendants at the address listed on the summons or warrant. If the address on your**

document is incorrect you should notify the court immediately. The public is advised to either check the Supreme Court website, <http://www.courts.state.va.us> under case status information for Colonial Heights for their specific case information or call their respective Clerk's Office to determine the new date. Due to the prevailing conditions, this information may not be available for several days. **Bonded/out-of-custody arraignments will resume April 1, 2020 at 10:30 a.m.**

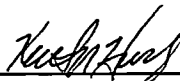
8. Effective immediately, all weekend or delayed confinement obligations currently will be suspended and defendants are not to report to the Sheriff's Office in person. Those defendants with such confinement obligation should contact the Sheriff's Office by phone to determine when they should report.

9. **Any litigant, or their attorney, having any issue that they believe to be emergency in nature in light of the State of Emergency conditions can request a hearing either in-person or by phone. Such requests can be made by phone, fax, or email through the Clerk's Office.**

Any lawyer or self-represented litigant experiencing fever or symptoms of illness, or who has within fourteen days returned from international travel, or who has been recently quarantined, **MUST report this fact to the court before entering the building. Violation is punishable by contempt of court.**

This Order shall remain in effect pending further Order of the Court.

ENTER: 3/16/20



Keith N. Hurley, Chief Judge
12th Judicial District