

IN THE JUSTICE COURT
IN AND FOR WEST VALLEY CITY, STATE OF UTAH

In Re: :
COURT OPERATIONS UNDER THE EXIGENT : STANDING ORDER NO. 2020-6
CIRCUMSTANCES CREATED BY COVID-19 : (SUPERSEDING ORDERS 2020-2 through 5)
:
:
: PRESIDING JUDGE
BRENDAN P. MCCULLAGH

This Order implements the Administrative Order, styled “Administrative Order for Court Operations During Pandemic,” issued by Chief Justice Matthew B. Durrant on March 21, 2020 [Utah Pandemic Order]. This order which replaced the Administrative Order of March 13, 2020 has caused this court to revisit and replace the previous pandemic related orders it has issued over the last week. The court has reviewed the Utah Pandemic Order, the Utah State Court’s Pandemic Influenza Response Plan, the Utah State Court’s Continuity of Operations Plan, as well as its own Continuity of Operations Plan, and hereby ORDERS as follows:

1. The West Valley City Justice Court WILL REMAIN OPEN during regular business hours and will continue to accept filings and be available to answer phone calls, emails, and other communications. It has put procedures in place to ensure that those who are prohibited from entering the courthouse by this order continue to have access to justice. To prevent our telephone lines from being overloaded, **please use the emails listed in paragraph 12 of this order as a first resort** when communicating with the court. If you do not have access to email, feel free to call us at (801) 963-3590. We thank you in advance for your patience if you experience longer than usual wait times. Anyone making a request pursuant to this order is required to include, IF AVAILABLE, their telephone number, current email address, and current mailing address.

2. All arraignments, pre-trials and trials in criminal cases currently calendared between March 25, 2020 and June 1, 2020, with the exception of EXIGENT CASES, as defined herein, are CONTINUED

and new dates will be assigned for those matters. All in-custody hearings will be re-set on video-conferencing calendars to minimize the risk to vulnerable populations. Upon stipulation of the parties, the court is willing to conduct any of the remaining hearings either telephonically or via video conference.

3. Exigent hearings are defined as
 - a. Domestic Violence (DV) arraignments where the prosecutor has indicated that they are requesting a pre-trial protective order in the matter.
 - b. DUI arraignments where the prosecutor has indicated that they will seek pre-trial release conditions such as continuous alcohol monitoring.
 - c. Bench trials where a defendant is being held in custody on the charges to be tried.
 - d. OSC matters where a defendant is being held in custody on the allegations, or there is a substantial likelihood the defendant would be incarcerated upon a finding of probation violation.
 - e. Other matters where a party requests an in-person hearing and the Court concludes that no other reasonable alternative exists to handle the matter.

4. All trials (other than those designated as exigent under ¶ 2 above) set between March 25, 2020, and June 1, 2020, are HEREBY CONTINUED and will be rescheduled.

5. All small claims trials and supplemental proceedings scheduled between March 25, 2020 and June 1, 2020 are HEREBY CONTINUED and will be rescheduled. Parties can make arrangements with the court to arrange, if possible, hearings telephonically or via video-conferencing technologies. Small claims cases in the Online Dispute Resolution (ODR) phase shall proceed until ODR is concluded. If needed, trials will be scheduled after June 1, 2020. The court will not issue any default judgments until after June 1, 2020. If the Court is contacted by a party that could be in default, they will be directed to attempt to proceed through the ODR portal.

6. All arraignments, pre-trial conferences, order to show cause hearings, motion hearings, review hearings, status conferences, restitution hearings, plea by affidavit hearings, and remand hearings (except, for those designated exigent under ¶ 2) set between March 25, 2020, and May 1, 2020, are HEREBY CONTINUED. If a party wants to address exceptions to this policy, or address other issues in these cases related to pre-trial release and/or bail as permitted by the

Utah Pandemic Order, they are directed to contact the court as described in paragraph 12 below.

7. All dates for individuals to self-report to the West Valley Justice Court for jail between March 16, 2020, and JUNE 1, 2020, are RESCHEDULED TO June 11, 2020 at 10:00am.

If a defendant had an opportunity to do community service to avoid a commitment, the court will, upon a request of the defendant received by the court before June 1, 2020, extend the reporting date for the commitment until August 6, 2020. This reflects the reality that community service opportunities will be severely restricted in a period of social distancing/quarantine.

8. All Traffic Matters, as herein defined, currently scheduled are continued until after October 1, 2020. Traffic matters are all those matters with a case number styled YR57XXXXX. If the case is deemed bail forfeitable by the court, it will not be considered delinquent or accrue additional penalties until after October 1, 2020. New filings received after March 25, 2020 where the court requires a defendant's appearance will be calendared after October 1, 2020.

9. Beginning March 25, 2020, the Court will begin a reassessment process of all the cases in which it is currently holding a defendant in custody. If the court believes that a person can be released upon appropriate conditions it will propose to do so, subject to an opportunity for the prosecution and/or a victim to be heard.

10. The Court will also endeavor to determine if there are warrants that could be recalled during the pendency of the pandemic order to avoid creating more exigent cases because of incarceration. If there are, the Court will consider recalling those after providing the prosecution and/or a victim the opportunity to be heard.

11. No Fine or Account Receivable will be considered delinquent until at least September 1, 2020. No matters will be sent to the Office of State Debt Collection until the State pandemic order is lifted. The exception to this bar on delinquency would be court-ordered restitution to a human being, where the prosecution believes exigency requires consideration of an OSC under paragraph 2.

12. If a case has not been continued pursuant to the above provisions, or a person believes they must come to the court: **NO PERSON MAY ENTER THE WEST VALLEY CITY JUSTICE COURT BUILDING** if they show symptoms of COVID-19 (cough, fever, or shortness of breath), or have

been in contact with someone who either shows those symptoms or has been exposed to COVID-19. Further, the court will liberally grant continuances for anyone in an at-risk group identified by the CDC, including: (1) anyone over the age of 60; (2) anyone with diabetes or heart/lung disease; (3) anyone with a compromised immune system; and (4) anyone who is pregnant. If any of the circumstances described in this paragraph applies to you, please request a continuance using any of the following methods:

- a. Defendants represented by private counsel are instructed to contact their attorneys to request continuances.
- b. Defendants who have been appointed counsel are directed to contact their attorneys at Larsen@larsennash.com
- c. Defendants who do not have counsel, or are unsure about whether they have appointed counsel, may contact the court to request a continuance by email at court@wvc-ut.gov. Please include your name, Date of Birth, and if possible, your case #.
- d. Witnesses or victims who have been subpoenaed or notified by the prosecutor's office of a court date, should contact the West Valley City Prosecutor's Office at prosecutor@wvc-ut.gov.
- e. If you do not have internet access, you can reach the above entities by phone as follows: court at (801) 963-3590, Appointed Counsel at 801-964-1200, or the Prosecutor's Office at 801-963-3331.

If you request a continuance using any of these methods, the court will set a hearing in a time, place, and manner that strikes the proper balance between the public's vital interest in the prompt adjudication of cases and its equally vital interest in preserving the health and safety of everyone living in our greater community.

13. The court encourages all parties to make liberal use of the plea by affidavit mechanism for the foreseeable future. For parties with access to video-enabled desktops, laptops, tablets, and phones, the court will schedule disposition hearings via WEBEX at the request of the parties.
14. All conditions of pre-trial release remain in effect. If any party wants to adjust the conditions of pre-trial release pursuant to the Utah Pandemic Order between March 16, 2020, and June 1, 2020, please request a hearing by contacting the court as outlined in paragraph 12.

The court will make an effort to accommodate all such requests on one of its daily 9 a.m. calendars. Upon stipulation of the parties, the court is willing to conduct any of these hearings either telephonically or via video conference.

15. All sentencing orders and plea-in-abeyance agreements will remain in effect. The court will continue to monitor compliance with its orders. However, the court will alter its tracking practices as follows during the existence of the State Pandemic Order:
 - a. The court will continue to file order to show cause affidavits as necessary to preserve its jurisdiction. The court will schedule all review and OSC hearings based on these affidavits after June 1, 2020, unless an earlier hearing is specifically requested by a party and authorized by the Utah Pandemic Order. Once the Utah Pandemic Order is no longer in effect, the court will issue standing orders granting reasonable extensions for compliance in these cases.
 - b. Any defendant who was sentenced or agreed to complete PRIME For Life class (“PFL”) may fulfill that requirement by completing an online equivalent, such as the myPRIME class offered by the Prevention Research Institute.
 - c. Any defendant who was sentenced or who agreed to complete an In-Person domestic violence assessment and In-Person domestic violence treatment may fulfill that requirement by completing an online equivalent that follows the approved Duluth Model standards.
16. All in-person traffic school sessions set between March 16, 2020, and June 1, 2020, are HEREBY CONTINUED. The Court orders that the deadline for competing traffic school in all existing cases is continued until October 1, 2020. There is an online option for traffic school, please contact the court as directed in paragraph 7, if one needs more information concerning traffic school. Once the Utah Pandemic Order is no longer in effect, the court will again schedule in-person traffic school sessions.
17. The Utah Pandemic Order states that it may be amended at any time. The court will respond to such amendments as quickly as possible. In the meantime, the court encourages all of its partners and patrons to check its website and follow the Utah State and the West Valley City

Court social media accounts for further updates to obtain the latest news regarding the operations of the court during the pandemic:

- a. West Valley Court Twitter @valley_court
- b. Utah State Court twitter @utcourts

Dated: March 25, 2020

BY THE COURT



Hon. BRENDAN P. MCCULLAGH