

MISCELLANEOUS DOCKET No. 20-02 *Leon County*
20206

As Promulgated by the Texas Supreme Court & Court of Criminal Appeals
on March 13, 2020 and March 18, 2020

IN THE 369th JUDICIAL DISTRICT COURT OF
ANDERSON, CHEROKEE, AND LEON COUNTIES, TEXAS

EMERGENCY ORDER
FOR
COURT PROCEEDINGS UNDER COVID-19 EMERGENCY

In accordance with Orders of the Supreme Court of Texas and the Court of Criminal Appeals of Texas issued on March 13 and 18, 2020, the 369th Judicial District Court of Anderson, Cherokee, and Leon Counties, Texas, hereby enters the following emergency orders modifying and suspending certain provisions related to court proceedings. This order applies to all cases and is meant to provide flexibility to modify or delay proceedings as necessary to address the COVID-19 disaster.

1. This Order is effective at 8:00 a.m. March 18, 2020, through 12:00 midnight April 30, 2020, unless modified by further court order.
2. On a **CASE-BY-CASE BASIS**, and determined with or without a participant's consent, the court may:
 - a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the Governor's State of Disaster has been lifted;
 - b. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind, including but not limited to a party, attorney, witness, or court reporter, but not including a juror, to participate remotely, such as by teleconferencing, videoconferencing, or other means;
 - c. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;
 - d. Conduct proceedings away from the court's usual location, but in the county of venue, and only with reasonable notice and access to the participants and the public;
 - e. Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing;
 - f. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

3. The statute of limitations in any civil case maturing within 30-days after the date of this Order shall be extended for a period of 45-days from the date of this Order, and thereafter as necessary on a case-by-cases basis, after submission to the Court, for a period not to exceed 30-days after the Governor's state of disaster has been lifted.
4. This order applies to and clarifies possession schedules in Suits Affecting the Parent-Child Relationship. For purposes of determining a person's right to possession of and access to a child under a court-ordered schedule, the original published school schedule shall control in all instances. Possession and access shall not be affected by the school's closure that arises from an epidemic or pandemic, including what is commonly referred to as the COVID-19 pandemic.
5. Felony criminal jury trial dockets – all felony jury criminal trial dockets are cancelled.
6. Criminal ancillary dockets are cancelled for April, **UNLESS EXPRESSLY COORDINATED AND SCHEDULED** with the court:
 - a. Arraignments – unless there are other reasons for an in person court appearance, attorneys should file, prior to the date of arraignment, a waiver of arraignment. If a waiver of arraignment is filed, no court appearance will be necessary. Scheduling orders will be sent to the attorney.
 - b. Pretrials – if an attorney has no pretrial matters to present, an announcement of “no pretrial” should be made by email or regular mail prior to the docket. If such an announcement is made, no in court appearance will be necessary.
 - c. Hearings on MTA/MTR – unless there are other reasons for an in person court appearance, the cases currently set for April will be reset for docket in May. If no agreement has been reached prior to call of the docket, a hearing will be set for the following appropriate court docket. If a plea agreement has been reached prior to the call of the docket it will be taken at the docket. Paperwork should be completed prior to the docket in order to minimize time and exposure.
 - d. Writs of Habeas Corpus /Requests for Bond Reduction – Writs of Habeas Corpus and Motions for Bond Reduction will be heard if **EXPRESSLY COORDINATED AND SCHEDULED** with the court.
 - e. Pleas – pleas will be taken at the next scheduled ancillary docket, or alternatively, if **EXPRESSLY COORDINATED AND SCHEDULED** with the court. Paperwork should be completed prior to the docket in order to minimize time and exposure.
7. Hearings on Motions to Suppress and other pretrial motions will be set on the appropriate court docket in May, **UNLESS EXPRESSLY COORDINATED AND SCHEDULED** with the court.
8. Civil jury trial dockets – all civil jury trial dockets are cancelled.

9. Civil ancillary dockets:

- a. Unless there are other reasons for an in person court appearance, all currently set civil hearings will be reset on the Court's May docket, subject to the following:
 - 1a. No party objects based on possible exposure or diagnosis or COVID-19;
 - 2a. If a continuance is requested based on exposure, diagnosis or quarantine due to COVID-19, it will be granted;
 - 3a. If any party, counsel or witness is considered high risk for infection (over 65 years of age, preexisting health issues, current respiratory diseases, etc.) hearing will be reset upon request;
 - 4a. No more than 6 participants, including counsel, parties and witnesses are required;
 - 5a. No new in court appearances will be set except on an emergency basis for cases involving children, Writs of Habeas Corpus, Protective Orders, Temporary Restraining Orders or Temporary Injunctions;
 - 6a. If appropriate, matters should be heard by submission.

10. This Order may be extended or modified by written Order of this Court without notice. Any such extension or modification shall be posted with the District Clerks of the county, and posted on the Court's website.

These orders are subject to change without additional notice. Any changes will be posted with the District Clerk of each respective county and posted on the Court's website. Orders may be extended and cases reset as the emergency situation progresses. It is the Court's goal to make sure all staff, counsel and participants are protected and safe from infection while maintaining the necessary functions of the court.

SAME AND SUCH IS THE ORDER OF THIS COURT.

Signed this 18th day of March, 2020.

FILED
AT 1:53 O'CLOCK 12 M.

MAR 18 2020
ALISON DOTSON
CLERK, DISTRICT COURT
CHEROKEE COUNTY, TEXAS
BY [Signature] DEPUTY

[Signature]
C. MICHAEL DAVIS
369th Judicial District Judge

FILED
CASSANDRA NOEY, DISTRICT CLERK
LEON COUNTY, TEXAS

MAR 18 2020
BY [Signature]