

COVID-19 OPERATING PROCEDURES FOR CRIMINAL MATTERS IN THE COUNTY COURT AT LAW AFTER JULY 1, 2020.

After July 1, 2020, this Court plans on beginning “in-person” non-essential proceedings in the County Court at Law. We will function pursuant to the Texas Supreme Court and Court of Criminal Appeals *Emergency Orders*, the Grimes County Administrative Judge’s *COVID-19 Operating Plan for the Grimes County Judiciary* and *Court Guidance* from the Office of Court Administration. You can find links to these Orders on the Court’s website.

To facilitate the protection of attorney’s, the public, defendants and court staff, and attorneys are ORDERED to handle matters in such a fashion as to minimize “in person” appearances or any unnecessary court appearances. If a matter can be handled via email, video conference or means other than “in person” appearances, please do so.

However, the Court is aware that in many instances, an “in person” appearance will be required. To assist in accomplishing these goals, the Courts asks attorneys familiarize themselves with the *COVID-19 Operating Plan for the Grimes County Judiciary*.

The following requirements will be followed WHEN “IN PERSON” APPEARANCE IS REQUIRED:

1. Court staff (Judge, Court Coordinator, Clerks,) shall wear **facial covering** in the courtroom and common areas of the courthouse unless there is a physical barrier between the staff and the courtroom.
2. All persons entering the Courthouse must submit to a temperature check upon entering the courthouse and a **brief “health screening”** before entering the courthouse. Anyone with a temp of 99.6 F or higher will be denied entrance.
3. Defendants and counsel must wear **facial covering** while in the courthouse. You and your client may bring their own mask or the Court will make disposable masks available.
4. **Only defendants whose name appear on the docket and their counsel will be allowed in the courthouse.** No family member, friends or supporters will be allowed in the courthouse.
5. Seating in the courtroom has been marked to provide proper social distancing. Defendants shall **sit in designated areas** until they are called to approach

the bench. The number of persons allowed in the Courtroom is governed by proper social distancing and the Bailiff will enforce that number.

6. **Sanitizers and tissues** have been placed at stations throughout the Courthouse. Please utilize them.

THE COURT AND ITS STAFF WILL WORK WITH COUNSEL TO FACILITATE ALTERNATIVES TO IN PERSON APPEARANCES. IF YOU HAVE SUGGESTIONS OR REASONABLE REQUESTS TO AVOID AN “IN PERSON” APPEARANCE, PLEASE CONTACT THE STAFF AND LET THEM KNOW. To minimize the necessity for “in person” proceedings, please practice the following procedures:

For cases set for Arraignment:

You are encouraged to waive arraignment in writing. Please include current contact information for your client to include cell phone number, email address in addition to physical and mailing address. Once the Court Coordinator receives your Waiver, she will reset your case for a pre-trial setting in approximately 30 days. It will be your responsibility to notify your client of the reset date. If you do not waive arraignment, you and your client must appear in person.

For cases set for Pre-trial:

Please contact the Court Coordinator sufficiently BEFORE your setting date to let the Coordinator know if you have need for an appearance. If you do not need an appearance or any action by the Court on pending pre-trial matters, the Court will reset your case for either Trial or an additional pre-trial. A first reset for pre-trial will be automatically approved. Any subsequent pre-trials setting will need to be justified before they will be granted.

For cases set for Status:

You may make an announcement as to the requested “status” via email to the Court and opposing counsel (status of DL, status of PTD, etc.). If you make such announcement, the Court will reset the case for the next setting (pre-trial, trial, plea, or additional status).

Trial Settings:

At this time, the Court does not know when settings for Jury Trial will resume. The Court will maintain a list of cases for trial setting and will notice counsel when these cases will be set.

Pleas:

Please work out pleas before Court. Have the DA’s Office prepare the paperwork before the date of appearance and email it to you to sign and approve. The defendant

can sign the paperwork before Court and attest to his/her signature before the Clerk on the day of the plea. This can be done in person or via email. The plea itself can be conducted either by:

1. **Zoom Video Conferencing** in which case the paperwork previously signed by the defendant and counsel will be signed electronically by the Court and sent to the Clerk's Office to file. If the plea is for supervision, the Clerk will forward a copy of all papers to the defendant, defense counsel and the Probation Department. Probation Department will then make arrangements with the defendant to conduct intake. See Art. 27.18 CCP
2. **In person:** the plea will be conducted in the same manner as any normal plea. Probation will do necessary intake in the courtroom. To minimize court time, please attempt to have paperwork prepared and executed in advance.
3. **In Abstensia by Counsel:** see Art. 27.14 CCP providing counsel may enter a plea on behalf of a misdemeanor defendant *Price v State*, 866 S.W.2d 606 (Tex. Crim. App. – 1993). This would be most appropriate for “fine only” pleas or ‘time served” pleas but may also be used for pleas to supervision.

The Court will set smaller ancillary dockets to minimize the number of people appearing. This may necessitate additional ancillary dockets. The Court will most likely utilize dates currently set aside for Jury Trials for those additional dockets. We are open to suggestions to minimize the inconvenience on all of us do to the rules. If you have ideas on ways to streamline the process, are aware of tech features we can use, or you have any other suggestions, we are willing to listen.

I appreciate your consideration and assistance in making the system function during this pandemic.



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