

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

20 JUN 15 PM 2:18

FILED

In the Matter of Implementing	)	PRESIDING JUDGE ORDER NO. <u>2001-30000</u>
CJO 20-016 in Criminal Proceedings	)	
	)	ORDER RE CRIMINAL PROCEEDINGS UNDER LEVEL 2
	)	RESTRICTIONS
	)	

On March 27, 2020, Oregon Supreme Court Justice Martha Walters issued Amended Chief Justice Order 20-006 continuing the Level 3 restrictions originally imposed by Chief Justice Order on March 16, 2020. On April 10, 2020, I issued Presiding Judge Order No. 2001-30000 RE Criminal Proceedings During COVID-19 Pandemic (COVID-19 PJO-Criminal) consistent with the Level 3 restrictions on court operations imposed by the earlier Chief Justice Orders. On May 15, 2020, Chief Justice Walters issued Chief Justice Order No. 20-016 (CJO 20-016), which lifted Level 3 restrictions on court operations and imposed Level 2 restrictions for judicial districts in counties approved for "Phase 1" reopening by Oregon Governor Kate Brown after the Governor's declaration of a state of emergency due to the COVID-19 pandemic. Governor Brown has deferred action for at least 1 week on Multnomah County's plan for "Phase 1" reopening on June 12, 2020. As a result, this judicial district will begin operating under Level 2 restrictions one business day after the Governor approves Multnomah County's reopening plan. The court is scheduled to move into the new Multnomah County Courthouse beginning on July 15, 2020, with the first day of proceedings in the new courthouse scheduled on July 20, 2020.

The Level 2 restrictions imposed under CJO 20-016 are designed to allow courts to offer additional court services than provided under Level 3 restrictions while continuing to minimize the spread of the COVID-19 virus and the health risks to court personnel, litigants, representatives, and others who come to courthouses. Among other things, the Level 2 restrictions require social distancing for all people entering the courthouse, including jurors.

Because of the space required to conduct a jury trial while complying with social distancing requirements, the court will only be able to conduct a limited number of jury trials while social distancing requirements are in effect. Most of those trials will be criminal trials for in-custody defendants subject to statutory and constitutional speedy trial requirements. In addition, staff limitations, budget reductions, continued health concerns, and the move into the new courthouse will mean that delays in scheduling other criminal jury trials will be unavoidable. Under the circumstances, some limited additional proceedings in criminal cases postponed under Level 3 restrictions may be conducted under Level 2 restrictions, as described below.

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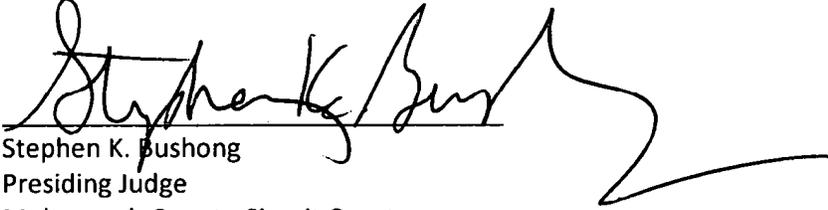
Accordingly, for the reasons stated above, I hereby ORDER that, in addition to the proceedings specified in the COVID-19 PJO-Criminal, the following proceedings may be held in court and/or remotely beginning June 15, 2020:

1. Out-of-custody plea hearings and sentencings in all felony cases (remove condition specified in COVID-19 PJO-Criminal). Except for specially-assigned cases, all plea and sentencing hearings will be assigned by the Presiding Judge off the 9:15 a.m. "short matters" docket as resources allow.
2. Out-of-custody substitution of counsel hearings in felony cases, to be heard by the Chief Criminal Judge or her designee.
3. Judicial settlement conferences (JSCs) for in-custody defendants. JSCs will be assigned by the Presiding Judge off the 9:15 a.m. "short matters" docket.
4. JSCs for out-of-custody defendants in felony cases if approved by the Presiding Judge as resources allow. In assessing JSCs for approval, priority will be given to cases that are eligible for the Multnomah County Justice Reinvestment Program (MCJRP). JSC requests should be placed on the 9:15 a.m. Presiding Court "short matters" docket for consideration and possible assignment.

All in-person hearings must comply with section 10 of CJO 20-016. Probation violation hearings shall continue to be held in the Justice Center, Courtroom 2. Except as otherwise provided in this Order, the provisions in the COVID-19 PJO-Criminal remain in effect.

This Order takes effect one business day after Multnomah County's Phase 1 reopening plan is approved, and shall remain in effect until July 15, 2020, unless amended by further order or terminated by this court.

DATED this 12<sup>th</sup> day of June, 2020.

  
Stephen K. Bushong  
Presiding Judge  
Multnomah County Circuit Court