

Commonwealth of Virginia

JUDGES
T.J. HAULER
FREDERICK G. ROCKWELL, III
STEVEN C. MCCALLUM
LYNN S. BRICE
DAVID E. JOHNSON
EDWARD A. ROBBINS, JR.

JOHN F. DAFFRON, JR.
WILLIAM R. SHELTON
MICHAEL C. ALLEN
HERBERT C. GILL, JR.
HAROLD W. BURGESS, JR.
RETIRED



COUNTY OF CHESTERFIELD
CITY OF COLONIAL HEIGHTS

JUDGES' CHAMBERS
POST OFFICE BOX 57
CHESTERFIELD, VIRGINIA 23832-0057
(804) 748-1333

TRICIA D. MULLER
ADMINISTRATOR OF JUDICIAL OPERATIONS

TWELFTH JUDICIAL CIRCUIT

Monday, March 16, 2020, 5:15 PM

PRESS RELEASE

FOR IMMEDIATE RELEASE

Pursuant to the Order of the Supreme Court of Virginia, dated today, declaring a judicial emergency in response to the COVID-19 emergency:

12th Judicial Circuit and District Courts: Chesterfield County and Colonial Heights

- Will be closed to the public:
 - Tuesday, March 17, 2020
 - Wednesday, March 18, 2020
- Will be open on a limited basis beginning:
 - Thursday, March 19, 2020

Circuit Courts

- Beginning Thursday, March 19, 2020:
 - Pretrials and bond hearings will occur daily.
 - All civil, traffic, and criminal hearings scheduled through April 6, 2020 will be automatically continued to the next term day to be set for hearing. Terms days are:
 - Chesterfield: May 18, 2020
 - Colonial Heights: May 5, 2020
 - Only emergency matters will be heard at the discretion of the Presiding Judge.
 - Visits to the Clerk's Office will be by appointment only.
 - In addition to US Mail, case-related filings will be accepted via email and fax for the duration of the Judicial State of Emergency. Please note: Email attachments will NOT be opened. The filing verbiage should be included in the body of the email. Filing fees are still applicable; please call the Clerk's Office to pay by credit card. The usual convenience fee will be waived.

General District Courts

- Beginning Thursday, March 19, 2020:
 - Pretrials and bond hearings will occur daily.
 - All civil, traffic, and criminal hearings scheduled through April 6, 2020 will be automatically continued. Notices will be sent to affected parties.

Juvenile and Domestic Relations District Courts

- Beginning Thursday, March 19, 2020:
 - Pretrials, detention hearings, and bond hearings will occur daily.
 - All driver license ceremonies in March will be rescheduled.
 - All civil, traffic, and criminal hearings scheduled through April 6, 2020 will be automatically continued. Notices will be sent to affected parties.

For the most current information about Chesterfield Courts' operation, please check the Courts' page on the Chesterfield County website at <https://www.chesterfield.gov/1126/Courts>.

For the most current information about all Virginia state courts, please check the Virginia Judicial System website at <http://www.courts.state.va.us/>.

Orders attached.

####

VIRGINIA:

**IN THE CIRCUIT COURTS FOR THE COUNTY OF CHESTERFIELD
AND THE CITY OF COLONIAL HEIGHTS**

In Re: **CIRCUIT COURTS and CLERK'S OFFICES CLOSED – 17 & 18 March
2020**

ORDER

On 12 March 2020, the Governor issued Executive Order Number 51 (2020) declaring a state of emergency in response to the COVID-19 pandemic.

On 15 March 2020, the Governor orally issued a statewide ban for events of more than 100 persons. On 16 March 2020, Chief Justice declared a judicial emergency pursuant to Va. Code Ann. §17-1.330.

Under the provisions of Va. Code Ann. §§17.1-501.B., 17.1-207.A.3., 8.01-332, 19.2-243, and the Court's inherent authority to act in such matters, and the Court finding good cause therefore, the Court **ORDERS:**

The Circuit Courts and the Clerk's Offices for the County of Chesterfield and the City of Colonial Heights shall be closed on 17 and 18 March 2020.

Employees are to report as directed by their supervisor.

For purposes of speedy trial in criminal matters, the Court finds that the current state of emergency and the causes therefore constitute both a natural disaster and an act of God.

The Clerk of the Chesterfield Circuit Court and the Clerk of the Colonial Heights Circuit Court, respectively, are directed to promulgate and to publish this order to the public, file a copy of this order with the case papers in the affected matters, and provide a copy to the Supreme Court.

ENTER MAR 16 2020

A handwritten signature in black ink, appearing to be 'E.A. Robbins, Jr.', written over a horizontal line.

Edward A. Robbins, Jr.
Chief Judge
12th Judicial Circuit

VIRGINIA:

IN THE CIRCUIT COURTS FOR THE COUNTY OF CHESTERFIELD
AND THE CITY OF COLONIAL HEIGHTS

In Re: STATEWIDE DECLARED JUDICIAL EMERGENCY

ORDER

On 16 March 2020, Chief Justice declared a judicial emergency pursuant to Va. Code Ann. §17-1.330. A copy of that declaration is attached hereto.

Pursuant to that declaration, and the Court's inherent authority to act in such matters, and the Court finding good cause therefore, the Court **ORDERS:**

All civil, traffic and criminal hearings are continued, with the exception of emergency matters, including but not limited to, quarantine or isolation matters, arraignments, bail reviews, protective order cases, emergency child custody or protection cases, and civil commitment hearings.

The listed emergency matters will be heard during the emergency **when the Court is open and operational**. Use of video teleconferencing and telephonic testimony will be utilized to the extent permitted by law and

consistent with the particulars of the case. Agreed continuance orders, will, in most instances be favorably considered. Electronic filings, pursuant to Va. Code Ann. §32.1-48.013:1 are encouraged.

All scheduled hearings continued pursuant to this Order during the judicial emergency, are hereby continued to the next term day of Court, to be set. In the event the judicial emergency continues past that date, those matters will be continued again to the next term day thereafter, without further Court order.

For purposes of speedy trial in criminal matters, the Court finds that the current state of emergency and the causes therefore constitute both a natural disaster and an act of God.

Upon the request of an incarcerated Defendant or his counsel, the Court will consider requests to proceed to trial during the judicial emergency, in the sole discretion of the presiding judge.

The Court's Order of 15 March 2020, continuing all jury cases, is superseded by this Order.

The Clerk of the Chesterfield Circuit Court and the Clerk of the Colonial Heights Circuit Court, respectively, are directed to promulgate and to publish this order to the public, file a copy of this order with the case papers in the affected matters, and provide a copy to the Supreme Court.

ENTER MAR 16 2020

A handwritten signature in black ink, appearing to be 'E.A. Robbins, Jr.', written over a horizontal line.

Edward A. Robbins, Jr.
Chief Judge
12th Judicial Circuit

Supreme Court of Virginia

IN RE: ORDER DECLARING A JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

On March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19. The Governor noted that the Virginia Department of Health (VDH) has been working with local, state, and federal officials, healthcare and emergency management experts, and various state agencies to form a COVID-19 Taskforce to prepare for and respond to this threat, and that, given recent confirmed occurrences of COVID-19 within the Commonwealth and in neighboring states, as well as information from the Centers for Disease Control and Prevention, it is anticipated that the disease will spread. A state of emergency exists in the Commonwealth of Virginia and efforts of the executive branch are underway to continue to prepare and coordinate its response to the potential spread of COVID-19, a communicable disease of public health threat. This state of emergency became effective March 12, 2020, and is to remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.

On March 13, 2020, the Governor advised that “if you have not already, please continue to review your [Continuity of Operations or] COOP plan. It is critical that you think about essential functions as they relate specifically to the COVID-19 event.” Many courts are actively doing so and court users and the public may access information on courts’ responses to the COVID-19 emergency online at: <http://www.vacourts.gov/>. All judges and clerks may access resources and information via the Court’s intranet site at: <http://oesinet/>. Courts that have not already done so, should review their continuity of operations plan and consult remotely with local stakeholders.

In 2010, the Supreme Court of Virginia’s Pandemic Flu Preparedness Commission issued the Pandemic Influenza Bench Book for Virginia’s Court System and it has been available since then to the public and court personnel via the Court’s web site at: <http://www.vacourts.gov/programs/pfp/benchbook.pdf>. It was revised in 2017, and most recently was specifically referenced in emails sent to all judges and clerks by the Executive Secretary on February 26 and March 11, 2020, with information for all courts to use in addressing the current COVID-19 emergency.

On Sunday March 15, 2020, Governor Northam announced a statewide ban on all events over 100 people. In light of the foregoing and the Chief Justice having received today, March 16, 2020, a request from the Governor for a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330, this Order declaring a judicial emergency is hereby issued for all district and circuit courts of the Commonwealth to protect the health and safety of court employees, litigants, judges, and the general public. This Order shall be in effect from today, Monday, March 16, to Monday, April 6, 2020, and it is hereby ORDERED that NON-ESSENTIAL, NON-EMERGENCY court

proceedings in all circuit and district courts be and hereby are SUSPENDED and all deadlines are hereby tolled and extended, pursuant to Va. Code § 17.1-330(D), for a period of twenty-one (21) days, and all circuit and district courts shall implement the following measures absent a specific exception as listed below:

1. Continue all civil, traffic and criminal matters, including jury trials, subject to a defendant's right to a speedy trial, with the exception of emergency matters, including but not limited to, quarantine or isolation matters, arraignments, bail reviews, protective order cases, emergency child custody or protection cases, and civil commitment hearings. Judges may exercise their discretion with regard to proceeding with ongoing jury trials, and in cases where the defendant is incarcerated.
2. Continue all ceremonies, such as juvenile licensing ceremonies.
3. Limit courtroom attendance to attorneys, parties, and necessary witnesses and members of the press in any matters that cannot be continued.
4. Issue summonses in lieu of a capias for failure to appear.
5. For jury trials that cannot be continued, excuse or postpone jury service for jurors who are ill, caring for someone who is ill, or in a high-risk category as defined by the Center for Disease Control (CDC).
6. Suspend new juror orientations.
7. Require attorneys to use e-Filing if available.
8. Require individuals with legitimate court business who are ill, caring for someone who is ill, or is otherwise in a high-risk category, as defined by the Center for Disease Control (CDC), to call the local clerk of court or other appropriate court personnel to request an appropriate accommodation.
9. Consult with the locality, including the sheriff, about posting signage at all public entry points advising individuals not to enter the building if they have:
 - a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - c. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;
 - d. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;

e. a fever, cough, or shortness of breath; or

f. resided with or been in close contact with any person in the above-mentioned categories.

Individuals attempting to enter the court in violation of these protocols may be denied entrance by a bailiff or court security officer, and may be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

10. Consult with the sheriff and/or bailiffs to prohibit individuals or groups from congregating anywhere in the courthouse, and to require social distancing throughout the courthouse, including inside the courtroom.

11. Use telephonic or video technology, as provided in the Code of Virginia, for all necessary hearings, trials, or other matters, including arraignments.

Nothing in this Order shall preclude the chief district and chief circuit judges from implementing additional local policies as needed. Except as provided in this order, to the extent possible, the courts and clerks' offices shall remain operational and provide essential services while balancing the health and safety needs of court visitors and personnel. This Order shall be effective from March 16, 2020, to April 6, 2020. This Order may be extended for additional periods not to exceed 21 calendar days or for the duration of the threat, by a majority of the justices of the Supreme Court to mitigate the risks potential spread of COVID-19.



(SEAL)

Donald W. Lemons
Chief Justice of the Supreme Court of Virginia