

**FILED**  
KING COUNTY WASHINGTON

JAN 22 2021

SEA  
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

IN THE MATTER OF THE RESPONSE BY  
KING COUNTY SUPERIOR COURT TO THE  
PUBLIC HEALTH EMERGENCY IN  
WASHINGTON STATE

No. 21-0-12050-3

**EMERGENCY ORDER # 27**  
**RE: CRIMINAL CASES, SUSPENSION**  
**OF IN-PERSON CRIMINAL JURY**  
**TRIALS THROUGH FEBRUARY 12, 2021**

This matter comes before the Court on the public health emergency in Washington State. The Court incorporates Emergency Orders 1 through 22 and Emergency #25. The Court now enters a revised order regarding procedures governing pending criminal cases and criminal jury trials during the public health emergency. **This Order is in effect until close of business February 12, 2021, unless modified or superseded by subsequent court order.**

**I. FINDINGS**

1. By Emergency Order #25, this Court previously suspended all in-person criminal and civil jury trials until after January 29, 2021. Since the issuance of that order, the Court has reviewed public health data and actively consulted with faculty members of the University of Washington School of Public Health.

2. As of January 20, 2021, the Washington State Department of Health Dashboard for COVID indicates a high seven-day average that while declining, is still higher than at any time

1 during the summer of the pandemic. COVID-19 Data Dashboard :: Washington State Department  
2 of Health. The seven-day positivity rate remains over 7%. COVID-19 Data Dashboard ::  
3 Washington State Department of Health.

4 3. Based on a review of Washington State Department of Health data and in  
5 consultation with faculty members of the University of Washington School of Public Health, the  
6 Court independently concludes that it continues to not be reasonably feasible or safe for jurors,  
7 litigants, and other participants to appear in-person for jury trials. At this time, these gatherings  
8 pose an unreasonable risk to the health of all the participants to a jury trial.

9 4. Due to these circumstances and the serious danger posed by COVID-19,  
10 continuances of criminal cases and all criminal jury trials are supported by good cause, required  
11 in the administration of justice, and an unavoidable circumstance.

12 5. The trend line for infections and testing positivity rates, while high, are trending  
13 downwards. The Court remains hopeful and will plan for a review of the data in early February,  
14 and if trends continue, the Court intends to gradually resume in-person criminal jury trials, with  
15 remote voir dire, on or about February 16, 2021. As trials resume, the court will continually  
16 monitor the progress and the feasibility of allowing additional jury trials. The anticipated restart  
17 date is subject to review of public health data.

18 6. As in-person jury trials resume, criminal cases will receive priority given the  
19 following: (i) the significant backlog of criminal cases; (ii) the age of many criminal cases; (3) the  
20 constitutional right to speedy trial in criminal cases; (iv) the strong wishes of parties on criminal  
22 cases to proceed to trial as soon as possible; (v) the serious charged offenses in criminal cases  
22 pending trial; and (vi) many criminal defendants are held in custody awaiting criminal jury trials  
232 restarting.

7. The reasons set forth in #6 (above) highlight the significant differences between criminal and civil cases. Accordingly, in-person civil jury trial will continue to be suspended for a longer period by separate order.

## II. ORDER


1. All in-person criminal jury trials shall be suspended until close of business  
February 12, 2021.

2. In-person criminal jury trials, with remote voir dire, shall resume on Tuesday February 16, 2021. This date is subject to review and the Court may move this date if public health data warrants it.

3. A continuance of criminal jury trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by COVID-19 is good cause to continue criminal cases, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between November 20, 2020 (per Emergency Orders #22, #23, and #25) and the close of business February 12, 2021 is EXCLUDED when calculating time for trial. CrR 3.3(e)(3).

IT IS SO ORDERED.

Dated: January 22, 2021

  
JUDGE PATRICK OISHI  
Assistant Presiding Judge  
Acting Presiding Judge  
King County Superior Court