

VIRGINIA:

IN THE CIRCUIT COURT OF THE 31ST JUDICIAL CIRCUIT

**ORDER EXTENDING THIS COURT'S DECEMBER 2020
TEMPORARY EMERGENCY ORDER**

UPON THE COURT'S CONSIDERATION OF:

- 1) Updated public health information showing a significant increase in the incidence of COVID-19 infections and increased utilization of hospital resources, within the 31st Judicial Circuit in December 2020 and early January 2021;
- 2) Public health projections for a continued increase in community spread of COVID-19 over the coming weeks;
- 3) The physical limitations and ventilation in the Prince William County Courthouse;
- 4) The increasing incidence of positive COVID-19 test results among staff of the various agencies providing public services in the Courthouse;
- 5) The Virginia Supreme Court's extension of the declared state of judicial emergency to at least January 24, 2021; and
- 6) The Court's increased ability to utilize technology to conduct remote hearings.

IT IS THEREFORE ORDERED that the *December 2020 Temporary Emergency Order for Trials, Hearings, and Other Circuit Court Proceedings* is hereby extended through February 28, 2021, and its provisions shall continue to apply, unless otherwise dissolved, modified, or extended by this Court. The following information is provided as clarification for how the Temporary Emergency Order will continue apply for the month of February:

1. Jury Trials are temporarily suspended.

a. All criminal jury trials are suspended until February 28, 2021. Parties with criminal jury trials scheduled to begin the week of February 28 will be contacted by Chambers to

schedule the pretrial conference for their cases. When jury trials resume, they will resume under the Jury Plan previously approved by the Virginia Supreme Court.

b. **Civil jury trials are suspended until further Order of the Court.** Any civil jury trial scheduled for February 2021 will be continued to the Court's April Term Day docket to be re-set.

2. **Criminal cases – Non-jury matters:**

a. **Sentencing and revocation hearings for incarcerated defendants** will go forward in-person before the judge assigned to the case at 1:00 p.m. on Thursdays. Friday afternoon sentencing and revocation hearings for incarcerated defendants occurring between February 1, 2021 and February 28, 2021, will be continued by the Court to the assigned judge's next in-person Thursday sentencing/revocation date at 1:00 p.m. If the assigned judge is not scheduled for one of the in-person courtrooms on his/her previously scheduled sentencing/revocation date, all cases on the previously established date will be rescheduled through Chambers, in consultation with the parties, to a Thursday afternoon at 1:00 p.m. during the Effective Period when the judge is assigned to an in-person courtroom.

b. **Sentencing and revocation hearings for non-incarcerated defendants** will be continued to the assigned judge's sentencing dates in March 2021 or later. The assigned judge's law clerk will contact counsel to select a new date for the hearing and prepare a continuance Order.

3. **Civil Cases**

a. **Cases to be Removed from the Court's Docket during the Effective Period.** Effective December 7, 2020 **no multi-day civil trials** will be held during the Effective Period of this TEO. Cases set for multi-day civil hearings in February 2021 will be continued to the April


Civil Term Day to be reset. Counsel may also reschedule any multi-day trials presently on the docket for a later date by contacting Chambers.

8. Other Court Proceedings:

- a. Grand Juries will continue to meet as scheduled.**
- b. February Criminal Term Day will be held in-person.**
- c. February Civil Term Day will be held in person.**

There may be further adjustments to the Court's dockets if the public health situation warrants.

ENTERED this 6th day of January, 2021.



Tracy C. Hudson
Acting Chief Judge