

**IN THE SEVENTH JUDICIAL DISTRICT COURT
OF SMITH COUNTY, TEXAS**

**COURT OPERATIONS UNDER EXIGENT CIRCUMSTANCES
CREATED BY THE COVID-19 PANDEMIC**

This General Order is in response to the recent outbreak of a novel coronavirus in the United States and the State of Texas. The World Health Organization has declared the disease it causes, "coronavirus disease 2019" (COVID-19), a global pandemic, having spread across more than 120 countries with a rising toll of thousands of confirmed cases. After Texas Governor Abbott's disaster proclamation entered March 13, 2020, the Texas Supreme Court and Texas Court of Criminal Appeals entered their "First Emergency Order Regarding the COVID-19 State of Disaster" modifying and suspending certain provisions related to court proceedings. The order that applies in all courts and to all case types is meant to provide courts with flexibility to delay or modify proceedings as necessary to address the threat of the COVID-19 disaster. The Emergency Order and Governor Abbott's disaster proclamation. The Seventh Judicial District Court of Smith County, Texas is closely monitoring the outbreak of COVID-19, in conjunction with the developing guidance from the Centers for Disease Control and Prevention (CDC). The CDC has described the outbreak in the United States as a "rapidly evolving situation" and is providing continuously updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The CDC's guidance includes multiple types of mitigation strategies generally aimed at reducing or avoiding exposure to infected individuals. As of the date of this Order, there have been several confirmed cases of COVID-19 within Smith County, Texas and East Texas. The CDC and other public health entities have recommended social distancing to limit further community spread of COVID-19. The Court is concerned with the health and safety of the public, Court employees, staff of other entities with whom Court personnel interact, litigants, counsel, interpreters, law enforcement officials, and jurors, who must work in close quarters to hear evidence and to deliberate.

THEREFORE, given the severity of risk to the persons by the spread of COVID-19 in Smith County, Texas and East Texas and taking into consideration matters of public health, while reducing the size of public gatherings and the need for travel, the Court orders as follows:

1. All jury trials (criminal and civil) scheduled to begin on any date from this date through April 12, 2020, are continued, to a date to be reset by the presiding judge. Those continuances do not continue any pending deadlines other than the trial dates. Attorneys should contact the Court in their impacted cases if they seek to modify such other deadlines.

2. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and due to the reduced availability of attorneys and Court staff to be present in courtrooms because of the public health considerations described above, the Court finds that the ends of justice served by ordering these continuances outweigh the best interests of the public and each defendant's right to a speedy trial. In fact, the best interests of the public are served by these continuances. The Smith County Judge ordered all jury panels cancelled until April 13, 2020.

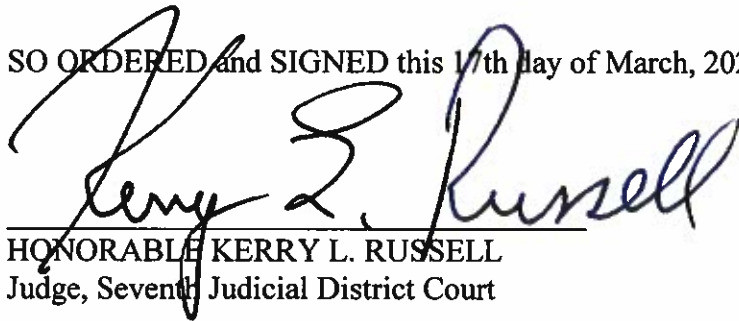
3. The Court may continue to hold bench trials, in-person hearings, sentencing proceedings, scheduling conferences and other court proceedings as deemed appropriate, on a case by case basis. Counsel may seek relief from those matters by appropriate motions. This Order does not impact the Court's continuing discretion to consider and decide particular matters on the papers alone or by submission. This order is intended to afford the Court with maximum discretion to handle its

respective dockets (aside from jury trials addressed above) as the Court deems best considering the totality of the circumstances. Individual corporate and law firm policies on travel and related matters may be raised by counsel via motion practice, but such shall not be binding or controlling on the Court in any respect.

4. All courthouses in Smith County, Texas, including the Clerk's Offices, and Probation Offices, will remain open for business at this time. The Smith County Courthouse facility will only be closed by a subsequent specific order issued by the Smith County Judge. Electronic filings shall continue to be made through the electronic file system.

5. Unless extended, this Order shall remain in effect through April 12, 2020, and will expire on April 13, 2020, without further order or action.

SO ORDERED and SIGNED this 17th day of March, 2020.



HONORABLE KERRY L. RUSSELL
Judge, Seventh Judicial District Court

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DISTRICT CLERK
2020 MAR 17 PM 2:44
SMITH COUNTY, TEXAS
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