

Memo Regarding New Phase One Procedures: **UPDATED as of 7/10/20**

Effective Monday, June 29, 2020 we are returning to Phase 1, or at least a modified version of it. The Chief Judge has made this decision, in large part, due to the increase in new numbers of COVID 19 in our area. There is no current information as to how long we will be in this phase. **UPDATE:** For the 2 week period of July 13-July 24, the criminal division will hear only in custody essential matters, i.e., arraignments, first time bonds, bonds for FTAs and negotiated pleas in Courtroom 9A/BRC3. During this time, only attorneys and essential witnesses/victims for bond motions will be allowed into the courthouse. Names must be provided in advance to the JA to be placed on the docket; otherwise, the witness/victim may not be allowed entry into the courthouse. Commencing July 27<sup>th</sup>, full operations as set forth in this memo will resume.

With this unfortunate step backwards, it may be some time before we reach Phase 3. Pursuant to AOSC20-23 Amendment 5 speedy trial is tolled until 90 days after we enter phase 3. With all of this in mind, jury trials will not be resuming any time soon, perhaps not even this year. This means those who have elected to have a jury trial will have to wait much longer than initially expected.

Effective Monday, the 29<sup>th</sup> no one is allowed inside the courthouse except attorneys, the defendant, essential witnesses and alleged victims. However, for any persons other than the defendant and listed attorneys to be allowed entry, their names must be listed on the Court's docket. Accordingly, you must contact my JA Chrissy by e-mail at [ctjacb2@ocnjcc.org](mailto:ctjacb2@ocnjcc.org) for any requests for essential hearing witness/victim personal appearance. Any person whose name is not listed on the docket will not be allowed entry into the Courthouse.

The below pertain to the month of July **ONLY**. Nothing has been scheduled beyond that date as of this writing. The Court will continue to post up-dates.

**Jury Courtroom 2 Out of Custody Pleas and Arraignments:** The good news is we will continue to have a courtroom for these proceedings. I will also do plea conferences. The jury room will be divided into 4 courtrooms.

Division 16 has been assigned **courtroom 2** on the following days:

July 1<sup>st</sup>  
July 2<sup>nd</sup>  
July 10<sup>th</sup>  
July 28<sup>th</sup>  
July 31<sup>st</sup>

E-mail Chrissy for a plea date and time. Defense attorneys and their clients will enter the courthouse prior to the docketed time and proceed to the jury room, courtroom 2. The Court will be stationed in courtroom 7D and will appear remotely. A division 16 court deputy will be present and prints for pleas will be rolled as always at the end of the plea. Probation will be in the jury room for your client to report to. A proper record will be made. The State may appear virtually but the defense attorneys must appear in person with their client with the plea form signed and ready to go. There will be a drop box for you to deposit the plea form at the end of the case. In terms of the scoresheet, the State may e-mail it the day before to my JA Chrissy with a cc to the defense attorney. She will print it off for me to bring with me.

Interpreters for jury courtroom 2: advise Chrissy when you set the plea. There is a phone next to the Defendant's screen in jury courtroom 2. The interpreter will call in to the phone for your client to pick up and use.

**Courtroom 9A/BRC In-jail pleas and remands:** These will happen at BRC3 with the same procedure as before except the courtroom has changed. The new rotational courtroom for in custody matters and remands is **courtroom 9A**. Advise Chrissy at time of setting the hearing of the need for an interpreter. The following are division 16's rotational days:

July 2<sup>nd</sup>  
July 21<sup>st</sup>

These are for essential matters only, just as before, i.e. pleas and bond motions. Attorneys may appear at BRC3 or in Courtroom 9A. Bring the filled out and signed plea form. The State may appear virtually.

**7D Non-essential hearings:** will be virtually through Microsoft Teams or Cisco. For those non-essential matters already scheduled, Chrissy will reach out to you to reset them virtually. I will be in 7D with the Clerks for those hearings. Advise Chrissy at time of setting the hearing of the need for an interpreter.

**7D Pre-trial conferences:** will be virtually through Microsoft Teams invite until further notice.

I have cut and pasted below, Judge Marques' Memo regarding the procedures for out of custody pleas and arraignments.

Thank you. I will continue to post updates as matters progress.

Judge Elaine Barbour, Criminal Division 16, 9<sup>th</sup> Judicial Circuit

### **PROCEDURES FOR JURY COURTROOMS 1 – 4 EFFECTIVE JUNE 29, 2020**

Due to the return to Phase 1 (essential proceedings only) we have set up 4 "courtrooms" in the Jury room of the Orange County courthouse to conduct:

Out- of- custody felony pleas  
Arraignments

#### **PLEAS:**

Each division will be handling their own out of custody pleas. Scheduling is through the JA for that division. Attorneys and their clients will be masked at all times. When the case is

called, the deputies will direct you to your courtroom (table). There is a sheet of Plexiglas between the client and the lawyer as an additional safety precaution. Each person will have a computer that is connected to the judge, who will be in his or her own courtroom.

You either must have the completed plea form with you or have delivered it to the courtroom prior to the plea. The State and defense must have reviewed the scoresheet and it must be in the courtroom prior to the plea.

Deputies will fingerprint the defendant in the jury room and there will be a clerk present to give the defendant their paperwork.

Anyone placed on probation will meet with probation immediately following the plea in the jury room.

If the plea is for someone who is being remanded you must let the JA know at time of setting the plea. The defendant will have to report to the jail for the plea as in the first Phase 1. We cannot remand from the courthouse as no inmates are being transported during this phase.

Any lawyer requesting to appear remotely needs to contact the JA for the link to do so. The state will be appearing remotely and they need to obtain the links for each division's courtroom from the JA.

#### **ARRAIGNMENTS:**

We will not be rescheduling arraignments as we did in the first Phase 1. They are essential proceedings. One judge in the jury room will hear arraignments each morning. The deputies will direct you to the correct courtroom. Defendants can plea at arraignments. Some judges will make offers at arraignments.

If you are going to file a waiver, please do so as soon as possible so a capias is not issued for your client because the waiver has not made it to the file.

THESE PROCEDURES ARE SUBJECT TO CHANGE AT ANY TIME AS THIS IS A DEVELOPING SITUATION.