

**MISCELLANEOUS DOCKET No. 20-01**

FILED FOR RECORD  
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**IN THE 349<sup>TH</sup> JUDICIAL DISTRICT COURT OF  
ANDERSON AND HOUSTON COUNTIES, TEXAS  
EMERGENCY ORDER**

**FOR**

**COURT PROCEEDINGS UNDER COVID-19 EMERGENCY**

In accordance with Orders of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the Office of Court Administration, and the Governor's Office, State of Texas, the 349<sup>TH</sup> Judicial District Courts of Anderson and Houston Counties, Texas, hereby enters the following emergency orders modifying and suspending certain provisions relating to court proceedings. This order applies to all cases and is meant to provide flexibility to modify or delay proceedings as necessary to address the COVID-19 disaster.

1. This Order is effective March 23, 2020, through May 1, 2020, unless modified by further court order.
2. On a case-by-case basis, and determined with or without a participant's consent, the Court may:
  - a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted;
  - b. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind, including but not limited to a party, attorney, witness, or court reporter, (does not include a juror) to participate remotely, such as by teleconferencing, videoconferencing, or other means;
  - c. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;
  - d. Conduct proceedings away from the court's usual location with reasonable notice and access to the participants and the public;

- e. Require every participant in a proceeding to alert the court if the participant has or knows of another participant who has COVID-19 or flu-like symptoms, or a fever, cough or sneezing;
  - f. Require every participant in a proceeding to alert the court if the participant has or knows of another participant who has been exposed to COVID-19;
  - g. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.
3. The statute of limitations in any civil case maturing within 30 days after the date of this Order shall be extended for a period of 45 days from the date of this Order, and thereafter as necessary on a case-by-case basis, after submission to the Court, for a period not to exceed 30 days after the Governor's state of disaster has been lifted.
  4. This Order applies to and clarifies possession schedules in Suits Affecting the Parent-Child Relationship. For purposes of determining a person's right to possession of and access to a child under a court-ordered schedule, the original published school schedule shall control in all instances. Possession and access shall not be affected by the school's closure that arises from an epidemic or pandemic, including what is commonly referred to as the COVID-19 pandemic. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order.
  5. Felony criminal jury trial dockets – all felony criminal jury trials through May 1, 2020, are canceled.
  6. Criminal ancillary dockets:
    - a. Arraignments – unless there are other reasons for an in-person court appearance, attorneys should file, prior to the date of arraignment, a waiver of arraignment. If a waiver of arraignment is filed, no court appearance will be necessary by attorney or defendant. Scheduling orders will be sent to the attorney and defendant.
    - b. Pretrials – if an attorney has no pretrial matters to present, an announcement of "no pretrial" should be made by email or regular mail prior to the docket. If such an announcement is made, no in-court appearance will be necessary by attorney or defendant.
    - c. Hearings on MTA/MTR – if no agreement has been reached prior to call of the docket, a hearing will be set for the appropriate court docket in May. If a plea agreement has been reached prior to the call of the docket, it will be taken at the docket. Paperwork should be completed prior to the docket in order to minimize time and exposure.

- d. Writs of Habeas Corpus/Requests for Bond Reduction – Writs of Habeas Corpus and Motions for Bond Reduction will be heard at the docket.
  - e. Pleas – pleas will be taken at an ancillary docket. Paperwork should be completed prior to the docket in order to minimize time and exposure.
7. Hearings on Motions to Suppress and other pretrial motions will be set on an appropriate court docket in May.
8. Civil jury trial dockets - all civil jury trials through May 1, 2020, are canceled.
9. Civil ancillary dockets:
- a. On non-essential proceedings, there will be no "in person" appearances by attorneys, parties, or witnesses without prior approval. No non-essential hearings will be conducted in person contrary to local, state, or national directives, whichever is most restrictive regarding the maximum group size. Please contact the coordinator for your respective county with any questions.
  - b. All currently set "essential functions" civil hearings will remain on the Court's docket as scheduled subject to the following:
    - 1a. No party objects based on possible exposure or diagnosis or COVID-19;
    - 2a. If a continuance is requested based on exposure, diagnosis or COVID-19, it will be granted;
    - 3a. If any party, counsel, or witness is considered high-risk for infection (over 65 years of age, preexisting health issues, current respiratory diseases, etc.) the hearing will be reset upon reset;
    - 4a. No more than 6 participants, including counsel, parties, and witnesses are required;
    - 5a. If appropriate, matters should be heard by submission.
10. Zoom conferencing will be used to conduct court business.

These orders are subject to change without notice. Any changes will be posted with the District Clerk of each respective county and posted on the Court's website. Orders may be extended and cases reset as the emergency progresses. It is the Court's goal to make sure all staff, counsel, and participants are protected and safe from infection while maintaining the necessary functions of the court.

**SAME AND SUCH IS THE ORDER OF THIS COURT.**

Signed this 23<sup>th</sup> day of March, 2020.

A handwritten signature in cursive script that reads "Pam Foster Fletcher". The signature is written in black ink and is positioned above a horizontal line.

Pam Foster Fletcher

349<sup>th</sup> Judicial District Court