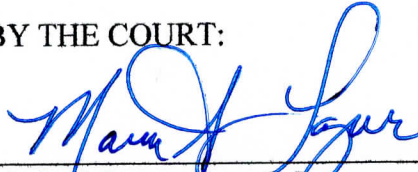


Dated this 19th day of June, 2020.


BY THE COURT:



Maria S. Lazar, Branch 7
Waukesha County Circuit Court Judge
Presiding Judge for the Criminal Traffic Division

Dated this 19th day of June, 2020.

APPROVED BY THE CHIEF JUDGE:



Jennifer R. Dorow
Chief Judge, Third Judicial District

STATE OF WISCONSIN

CIRCUIT COURT
CRIMINAL/TRAFFIC DIVISION

WAUKESHA COUNTY
20-SO-25 (67) CT

**IN THE MATTER OF:
COVID-19 OPERATING PLAN FOR
CRIMINAL/TRAFFIC PROCEEDINGS**

WHEREAS, the Wisconsin State Supreme Court has directed, by its May 22, 2020, Order, that all Circuit Courts create a Plan consistent with the Order;

WHEREAS, the World Health Organization declared a global pandemic of Coronavirus Disease 2019 (“COVID-19”) due to widespread human infection worldwide, and Wisconsin Governor Tony Evers and Waukesha County Executive Paul Farrow have declared public health emergencies, respectively, for the State and County of Waukesha and the Waukesha County Circuit Court System has issued Orders on Emergency Temporary Services;

WHEREAS, the Waukesha Judiciary recognize and are committed to open access to our courts and service to the public, and to protecting the health and safety of all participants in court

proceedings, the Criminal/Traffic Division is implementing the following protective measures, effective immediately:

General

1. The Criminal/Traffic Division has discussed and considered the recommendations outlined in the Wisconsin COVID-19 Task Force Report, as well as the State Supreme Court Orders, dated May 22, 2020.

2. It is expected that all judges and court commissioners will use all reasonable efforts to continue to conduct proceedings remotely with all participants encouraged to appear via zoom first, then by telephone.

3. The Criminal/Traffic Division, prior to this Order, has addressed staffing needs and has begun the process of examining which personal protective equipment and supplies are deemed necessary.

4. This operating plan shall be adjusted as necessary with any changes in the public health conditions in the county.

5. Judges and court commissioners will begin hearing previously non-essential in-person proceedings immediately following the final approval of the Court's In-Person Operating Plan (Chief Judge Order No. 20-SO-25 (IP) (67)).

Scheduling

The following court schedules are established to reduce occupancy in the court building, and all parties are reminded that, for the safety of the public and court personnel, remote proceedings are the preferred method until further Court order, with priority given to zoom appearances:

FOR ALL CASES:

1. The District Attorneys office are encouraged to continue to appear remotely via zoom, unless, in limited exceptions, it is requested by that office or the Court.

2. Counsel for defendants are encouraged to continue to appear remotely via zoom or telephone, with limited exceptions (*e.g.*, in those cases where the constitutional rights of the defendants make an in-person appearance appropriate) or as otherwise ordered by the Court.

3. No cases shall be stacked on the Courts' calendars; that means that a single matter shall be set for each time slot and the clerks are to err on the side of caution in placing enough time for buffer zones between cases. Court commissioner calendars may have appropriately stacked cases.

4. To afford defendants their rights to prompt and efficient justice, the following Criminal/Traffic cases will continue to have priority on the Courts' calendars:

A. Proceedings involving a change to the custodial status of defendants who are in-custody solely on a Waukesha County case;

B. Initial appearances for individuals who are booked into the Waukesha County Jail;

C. Preliminary hearings in certain circumstances;

D. Bail/bond motion hearings;

E. Competency reviews and hearings;

F. NGI pleas for in-custody defendants;

G. Petitions for conditional release;

H. In-custody plea and sentencing hearings; and

I. Motions requiring court or evidentiary hearings.

5. All other matters not listed in paragraph (4), above, shall be scheduled as time permits.

6. The clerks are to continue to schedule emergent matters as a priority (including bail motions and pleas and sentences for in-custody defendants).

7. Pleas and sentences for felony matters shall be heard with the defendant and defense counsel in person, where feasible, and where appearances are not waived unless otherwise approved by the presiding court official. Pleas and sentences for misdemeanor offenses, with the exception of those that may result in immediate remand into custody, are to be heard with all parties and counsel appearing remotely. Thereafter, if possible, they should continue to be conducted remotely, subject to the individual Court's discretion.

8. Further proceedings are permitted, but only by remote appearance of all parties and counsel, unless otherwise directed by the Court.

9. Should any counsel, party, witness, victim, or public member not feel medically safe, the Court shall determine whether their appearance shall be in person, be by remote means and/or whether the matter shall be rescheduled.

FOR CASES WITH IN-CUSTODY DEFENDANTS:

1. In-custody defendants shall continue to appear in person at their hearings in all matters previously deemed essential, or as determined appropriate in the Court's discretion, including bail motions, pleas and sentences and other motion hearings, unless their appearance is waived. However, the Court, in its discretion, may utilize video technology if it is available.

2. Social distancing practices shall be followed, whenever practicable and whenever appropriate for communication between counsel and the defendant.

FOR CASES WITH OUT OF CUSTODY DEFENDANTS:

1. Out of custody defendants shall appear remotely, by zoom or telephone through zoom whenever possible.
2. Social distancing practices shall be followed, whenever practicable and whenever appropriate for the communication between counsel and the defendant.

I have conferred with all Criminal/Traffic Judges and Court Commissioners with courtrooms in the court building regarding this Operating Plan. The Judges and Court Commissioners are to conduct proceedings consistent with the Plan.