

MAR 19 2020

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-0011

COURT OPERATIONS IN RESPONSE
TO COVID-19

**AMENDED ORDER CONCERNING
JURY TRIALS AND OTHER
PROCEEDINGS**

WHEREAS, in response to the spread of the coronavirus disease 2019 (COVID-19), the President has declared a national public health emergency and the Governor of Guam has declared a public health emergency for Guam; and

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease;

NOW, THEREFORE, in order to protect public health, and in order to reduce the size of public gatherings and reduce unnecessary travel, the District of Guam hereby issues the following order:

1. The District Court of Guam will be temporarily closed to the public for a period of fourteen (14) days commencing Friday, March 20, 2020, except as stated below:
2. Effective immediately, all jury selection and trials in the District of Guam scheduled to begin before April 26, 2020, are continued pending further order of the Court. The Court may issue other orders concerning future continuances as necessary and appropriate.

1 3. Individual judges may continue trial-specific deadlines in criminal and civil cases
2 in the exercise of their discretion.

3 4. Individual judges presiding over criminal proceedings may take such actions
4 consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings
5 and preserve the rights of the parties.

6 5. The Court is cognizant of the right of criminal defendants to a speedy and public
7 trial under the Sixth Amendment, and the application of that right in cases involving defendants
8 who are detained pending trial. Any motion by a criminal defendant seeking an exception to this
9 order in order to exercise that right should be directed to the judge assigned to the matter in the
10 first instance; provided, however, that no such exception may be ordered without the approval of
11 the Chief Judge.

12 6. The time period of any continuance entered as a result of this order shall be
13 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends
14 of justice served by taking that action outweigh the interests of the parties and the public in a
15 speedy trial. Absent further order of the Court or any individual judge, the period of exclusion
16 shall be from March 16, 2020 to April 26, 2020. The Court may extend the period of exclusion as
17 circumstances may warrant.

18 7. Individual judges may continue to hold hearings, conferences, and bench trials in
19 the exercise of their discretion, consistent with this order.

20 8. Judges are strongly encouraged to conduct court proceedings by telephone or video
21 conferencing where practicable.

22 9. Criminal matters before the Magistrate Judge, such as initial appearances,
23 arraignments and detention hearings will be conducted by video/telephone conference, with the
24 Defendant's permission, unless otherwise directed by the Court. Issuance of search warrants will

1 continue to take place in the ordinary course of business.

2 10. All sentencing and revocation hearings scheduled to be heard on or before April 3,
3 2020 and any related deadlines shall be continued until further order of the court. In addition, any
4 previously ordered Presentence Report due dates during this period shall be vacated and
5 rescheduled.

6 11. All regularly scheduled grand jury proceedings are continued to April 26, 2020,
7 however, the U.S. Attorney may schedule grand jury proceedings for emergency or essential
8 matters after consultation with the Chief Judge. Grand jurors will continue their current and
9 normal practice to call in each Monday at 8 a.m. to the number provided to them to receive the
10 recorded message informing them of whether they must appear for grand jury service the same
11 week.

12 12. All naturalization ceremonies scheduled for March and April 2020 are canceled.
13 The Court may issue other orders concerning future continuances as necessary and appropriate.

14 13. Drug Offender Re-Entry program scheduled for March 18, 2020 will be
15 rescheduled.

16 14. All non-court related events (court tours, community outreach events, etc.) for
17 March and April 2020 are canceled.

18 15. The U.S. Pretrial and Probation Office will also be closed for the next fourteen (14)
19 days commencing Friday, March 20, 2020. If you need assistance, please call (671) 969-4600.

20 16. Filings will continue to be processed in all cases via the CM/ECF electronic system
21 and mail, except for criminal case openings, sealed and pro se filings. Those wishing to make in-
22 person filings may call the on-duty clerk at 671-969-4500 and will be instructed to leave such
23 materials at the drop off box located on the first floor of the courthouse. For emergency filings,
24 please contact the on-duty clerk at 671-969-4500. Criminal case openings, sealed and pro se filings

1 shall be placed in a sealed envelope and will be received at the drop off box located on the first
2 floor of the courthouse from 8:00 a.m. to 3:00 p.m. The sealed envelope must have the name of
3 the law firm and/or pro se filer and contact number in case there are any questions with said filing.

4 17. Fees associated with case filings will be paid via Pay.gov through the CM/ECF
5 system. Criminal debts and any other payments by check, money order or cashier's check will be
6 accepted by mail or at the drop off box located on the first floor of the courthouse from 8:00 a.m.
7 to 3:00 p.m. All negotiable instruments shall be payable to "Clerk, District Court of Guam" or
8 "Clerk, U.S. District Court" or "Clerk, United States Court". Payments made via the drop off box
9 must be in a sealed envelope and contain the name of the person making said payment, the case
10 number associated with said payment and a contact number in case there are any questions related
11 to said payment. Cash payments will NOT be accepted during this period of exigent
12 circumstances. Staff in the Clerk's Office will remain available by telephone.

13 This order amends the Court's previous General Order No. 20-0008.

14 **SO ORDERED** this 19th day of March, 2020.

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17 FRANCES M. TYDINGCO-GATEWOOD
18 Chief Judge
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