

FILED
DISTRICT COURT OF GUAM

MAR 16 2020

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-000 8

COURT OPERATIONS IN RESPONSE
TO COVID-19

**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 remain open for business, subject to the following limitations.

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, detention hearings, and the issuance of search warrants, shall continue to take place
24 in the ordinary course.

