

**SWINOMISH TRIBAL COURT
SWINOMISH INDIAN TRIBAL COMMUNITY**

In re:
Swinomish Tribal Court.

Case No.: CVSO-2020-0013
General Order of Continuance

TO: Swinomish Tribal Police; Swinomish Tribal Prosecutor; Swinomish Tribal Advocates;
Parties appearing before the Tribal Court

THIS MATTER came before the Court *sua sponte*. This order is issued in response to the recent public health concern caused by Covid-19 and in supplement of the previous order of the court entered March 10, 2020.

On March 9, 2020 the Swinomish Senate declared a State of Emergency due to the Covid-19 disease. On March 13, 2020 President Trump declared a national emergency due to the disease. On February 29, 2020 Governor Inslee declared a state of emergency for Washington. On March 25, 2020 the Swinomish Senate issued a “Stay at Home” order that is effective until at least April 7, 2020.

During this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and consistent with these recommendations, Governor Inslee has barred gatherings of more than fifty people and ordered all schools, businesses, faith-based organizations, and other public venues to close during the ongoing public health emergency, and the CDC has recommended restricting gatherings to no more than 10 people.

The Swinomish Senate has directed that all non-essential operations of the tribe be postponed and a majority of tribal facilities closed. The Swinomish Court is ill-equipped to

1 effectively comply with social distancing requirements or otherwise safeguard the health and
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3 safety of parties appearing in court, and employees working for the court, during any in-person
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5 hearings.
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9 On March 20, 2020 the Washington Supreme Court issued Order 25700-B-607 regarding
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11 the operations of Washington Courts during this emergency. While not bound by the direction of
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13 the Washington Supreme Court, the Swinomish Tribal Court does look to their decisions for
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15 guidance.
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18 Based upon these facts, and after further consultation with counsel, the court issues the
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20 following order:
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23 1. All criminal, probation and natural resource matters currently scheduled for March 31,
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25 2020, April 1, 2020, May 5, 2020 and May 6, 2020 are hereby continued at least 45 days.

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27 The court will later issue an order scheduling these matters to a date and time when the
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29 court is able to safely commence regular operations. Based on the danger posed by
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31 Covid-19 and that this is an unavoidable circumstance, pursuant to STC 3-03.350 (B) the
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33 court finds good cause to toll speedy trial in all matters until the case is brought before
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35 the court.
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38 2. Parties may present agreed orders of continuance or other agreed disposition of cases to
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40 the court clerk for the court's consideration any time prior to the scheduled hearings.

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42 3. The civil trial currently scheduled for April 13, 2020 is continued at least 45 days. The
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44 court will later issue an order rescheduling that matter to a date and time when the court
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46 is able to safely commence regular operations. The parties shall continue to be
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48 restrained by and follow the admonitions issued by prior order of this court.
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- 1 4. The civil matters set for April 20, 2020 are stricken and shall be set by separate order of
2 the court at a later date.
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5 5. The Court will continue to hold hearings as necessary and required by statute in the case
6 of individuals arrested and taken into custody by the tribal police as well as parties
7 seeking emergency relief from the court. Where possible, such hearings may be
8 conducted remotely as determined on a case-by-case basis or by protocol established by
9 the office of the Clerk of the Court.
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12 6. Parties seeking emergency relief may contact the Senior Court Clerk between the hours
13 of 8:30 a.m. and 5:00 p.m. Monday – Friday at (360) 982-1779 or by email at
14 bpage@swinomish.nsn.us. During non-business hours people are directed to call 911.
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17 7. The court may enter ex parte no contact orders Pursuant to STC 7-11 or STC 7012 when
18 a petition is filed with the court and the court finds that a preponderance of evidence is
19 present that a sex offense, domestic violence, elder abuse or harassment offense has
20 occurred. Ex parte orders may be served upon the respondent by mail. This provision
21 does not relieve the prosecution of proving a knowing violation of such ex parte order in
22 any prosecution for violating the order. Good cause exists for the court to extend ex parte
23 orders beyond the initial period until a hearing can be held.
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26 8. During this emergency the Court will temporarily accept filing of pleadings via email
27 directed to the Senior Court Clerk, Blair Page, at bpage@swinomish.nsn.us. The filing
28 party must include in the email a mailing address and a phone number where they can be
29 reached.
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32 9. In order to file a new case or an appeal, an individual may submit a filing via email to the
33 Senior Court Clerk, Blair Page, at bpage@swinomish.nsn.us. The submitting party must
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1 include in the email a mailing address and a phone number where they can be reached by
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3 the court and the Respondent/Appellee's contact information. When the court resumes
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5 business, a filing fee will be assessed and collected as appropriate for the case to
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7 continue through the judicial process.
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10 10. Individuals that wish to plead or pay their traffic judgment may still do so. If a person
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12 admits the violation occurred and wish to pay the fine pursuant to STC 5-01.130 an
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14 individual may mail their signed ticket and payment to; Swinomish Tribal Court, 17337
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16 Reservation Rd, La Conner, WA 9857.
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19 11. Because this emergency is fast moving and requires changes in behavior and practice,
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21 sometimes on a daily basis, the Court will post all notices of docket changes, rule
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23 changes, and other important information on the court web page at
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25 www.swinomish.org/resources/tribal-court.aspx and parties may rely on the orders and
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27 rules posted there.
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30 SO ORDERED this 26th day of March, 2020.
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Mark W. Pouley, Chief Judge
Swinomish Tribal Court