

ENTERED

B. Lindley

**2020 DEC 04 AM 11:11
PUYALLUP TRIBAL COURT**

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

JURY TRIALS SUSPENDED DURING
COVID-19 AND RELATED CORONAVIRUS.

GENERAL ORDER NO. 2020-0012

As reviewed in this Court's prior General Orders and current General Orders in effect, 2020-0006, 2020-0009, and etc., the current outbreak and spread of the Coronavirus Disease 2019 (COVID-19) is causing and is expected to continue to cause significant disruption throughout the Puyallup Indian Reservation. As a result, the Court has a need to suspend jury trials and toll the speedy trial rule during this time.

In particular, the Puyallup Tribal Code (PTC) Rules of Criminal Procedure 4.04.390(c) provides that "any adult defendant must have the right to a trial by jury of their peers. The jury must be composed of six persons and one alternate." The current circumstances, including the fact that the Court shall remain closed to the public into the foreseeable future in the interest of keeping Court personnel and the public as safe as possible, are likely to make it impracticable, if not impossible, for the Court to conduct a jury trial in a timely and safe manner.

ORDER

Given the above-referenced guidance, and to protect the safety and health of all those entering and working in the Tribal Court, the Court ORDERS, effective immediately:

1.0 Jury trials are suspended.

1.1. PTC 4.04.390(c) (Trial by jury):

(c) Jury Trial. Any adult defendant must have the right to a trial by jury of their peers. The jury must be composed of six persons and one alternate. To meet the standard of reasonable doubt, a decision unanimous in agreement by at least five of the six jurors is required.

2.0 The Speedy Trial Rule is tolled.

2.1. PTC 4.04.490, Rule 29.4 (Speedy trial):

(a) Right to a Speedy and Public Trial. A defendant held in jail pending trial must be brought to trial no later than 90 days after the date of arraignment. A defendant released from jail, whether or not subjected to conditions of release pending trial, must be brought to trial no later than 180 days after the date of arraignment. [...]

[et seq.]

- 3.0** The Court finds that the delay outweighs the interests of the parties and the public in a speedy trial given the need to protect the health and safety of defendants, defense counsel, prosecutors, court personnel, and the public by reducing the number of in-person hearings to the greatest extent possible.
- 4.0** This order does not affect bench trials, or other court appearances.
- 5.0** This order is effective December 4, 2020, and shall remain in effect until further order of the Court.

SO ORDERED this 4th day of December 2020.



Darwin Long Fox
Chief Judge of the Puyallup Tribe of Indians