

**PULASKI CIRCUIT COURT, FIFTH DIVISION
HON. WENDELL GRIFFEN, CIRCUIT JUDGE
MARCH 19, 2020**

**NOTICE CONCERNING COURT PROCEEDINGS DUE TO THE
COVID-19 PANDEMIC STATE OF EMERGENCY**

In order to provide expeditious and safe adjudication 5th Division cases during the period that public health and safety are at risk because of the coronavirus pandemic, the following procedures will be followed, effective Thursday, March 19, 2020, and continue until September 8, 2020, unless indicated otherwise.

PLEA & ARRAIGNMENT

- All cases docketed for Plea & Arraignment shall be handled on the pleadings, without exception.
- Cases involving indigent defendants will be handled as follows:
 - The Public Defenders will file the indigency affidavits with the Circuit Clerk
 - The Court will appoint the Public Defenders as counsel.
 - Appointed Counsel will submit written petitions signed by counsel and the defendant which set forth whether arraignment is waived.
 - The written petitions submitted by counsel and the defendant will also state the plea that is entered and whether jury trial is demanded or waived.
 - If trial by jury is waived at arraignment, counsel will submit the written jury waiver signed by the defendant and assented to by the State.
 - If the plea is Not Guilty by Reason of Mental Disease or Defect (NGBMDD), the pleading will confirm the correct mailing address of the defendant to enable the State Hospital to provide timely notice of the forensic evaluation.
- Cases involving defendants with retained counsel will be handled as follows:
 - Counsel will file a pleading signed by the defendant to enter the appearance, waive arraignment, state the defendant's plea, and indicate whether jury trial is demanded or waived.

- If jury trial is waived, counsel will submit the written jury waiver signed by the defendant and assented to by the State.
- If trial by jury is waived at arraignment, counsel will submit the written jury waiver signed by the defendant and assented to by the State.
- If the plea is Not Guilty by Reason of Mental Disease or Defect (NGBMDD), the pleading will confirm the correct mailing address of the defendant to enable the State Hospital to provide timely notice of the forensic evaluation.
- Defendants who need additional time to obtain retained counsel will be afforded up to thirty (30) days to secure counsel. Speedy trial will be tolled in the meantime.
- **All new cases will be scheduled for trial (jury or bench) upon arraignment unless counsel request otherwise and agree to toll speedy trial in the meantime.**
- **All pending cases with jury or bench trial dates before September 8, 2020 will be rescheduled after that date by the Trial Court Assistant.**
- **Failure to appear for Plea & Arraignment will result in issuance of an alias warrant, without bond upon arrest, and bond forfeiture (if bond has already been posted).**
- **Requests for bond in cases involving defendants who are in custody shall be handled on the pleadings or by Zoom conference calls as set forth below (see Plea Statements, 2d bullet)).**

PLEA AGREEMENTS

- Plea agreements shall be submitted in writing consistent with past practice. **The plea statement must bear the defendant's affirmation that it is knowingly, voluntarily, and intelligently made as indicated by the defendant's notarized signature.**
- **Counsel for Defendants and the State will coordinate with the Trial Court Assistant a time for a Zoom conference call involving the Clerk's Office, Trial Court Assistant, Court Reporter, Court, Counsel, and the Probation Office. During such Zoom Calls, the Court will question Defendants to confirm that they understand the charges alleged and their punishment ranges, understand their jury trial rights, and are knowingly, intelligently, and voluntarily entering a plea.**

- **All defendants who enter guilty pleas resulting in sentences of probation or suspended imposition of sentence must report by phone to the Probation Department no later than one (1) business day after the plea is accepted. Failure to report will be treated as absconding, and will result in issuance of an alias warrant.**
- **All defendants who enter guilty pleas resulting in sentences of imprisonment must report to the Pulaski County Sheriff immediately upon acceptance of the guilty plea unless otherwise stated by the Court upon sentencing. Failure to report will be treated as absconding, and will result in issuance of an alias warrant.**
- **All cases involving plea statements that are not accepted by the Court will be scheduled for trial (jury or non-jury) at the time the plea statement is not accepted unless otherwise indicated by the Court and for good cause shown.**

BENCH TRIALS

- All bench trials currently scheduled between March 19 and April 2 will be re-scheduled to dates after September 8, 2020 by the Trial Court Assistant. Speedy trial will be tolled with the Court taking the time between the existing trial date and the new trial date on account of docket congestion associated with the public health emergency.
- All bench trials now scheduled for dates after April 2 will be rescheduled by the Trial Court Assistant to dates after September 8, 2020. Speedy trial will be tolled with the Court taking the time between the existing trial date and the new trial date due to docket congestion associated with the public health emergency.

CIVIL CASES

- Jury and bench trials are hereby suspended until September 8, 2020 in the interest of public health consistent with existing public health guidelines that call for social distancing. Counsel for the parties are directed to contact the Trial Court Assistant concerning new trial dates.
- Except for petitions for injunctive relief, all pending and new motions will be decided on the pleadings and briefs. The time provisions for filing motions, responses, and replies prescribed by the Arkansas

Rules of Civil Procedure will continue to govern all filings, unless the time for pleading is altered by order of the Court upon motion and after affording due opportunity for response and consideration of such requests.

- Discovery disputes and cases involving requests for injunctive relief will be resolved on the pleadings when possible. If that method is unsuitable and live testimony is required, counsel for the parties are directed to notify the Trial Court Assistant accordingly and suggest an agreed method of permitting testimony by videoconference or deposition.

UNLAWFUL DETAINER/WRITS OF POSSESSION

- In view of the widespread economic disruption caused by the coronavirus epidemic, the Court will not issue writs of possession in unlawful detainer actions based upon alleged default in the obligation to pay rent where the tenant alleged to be in default fails to post the statutorily required rental payment when an objection is filed to the unlawful detainer action.
- The Court will follow this practice during the period of emergency declared by state and federal authorities.
- This practice applies only to unlawful detainer actions based on alleged default in the obligation to pay rent, unless the Court finds that undue harm will ensue if the practice is not applied to a different basis for the alleged default.

Parties and attorneys are encouraged to contact the Trial Court Assistant by email addressed to lrobinson@pulaskimail.net concerning questions and suggestions for improving these procedures.