

5th District Town and Village Courts Return to In Person Operations Plan Updates Effective October 19, 2020

In the Town and Village Courts, as in the state paid courts, each Phase has added additional matters which can be handled by the courts. The return to in-person operations has been slow and deliberate, allowing for pull backs if the virus progresses. The following is a bullet point list of all matters that can be handled by Town and Village Courts beginning in October 19, 2020. Matters which could be handled in Phases I – 4.1 are included so that this list is an exhaustive list of everything that can be handled. **Please note: NOT INCLUDED in this list are some routine matters such as payments, attorney appearance, post sentencing issues, and appearances for further proceedings / compliance check / status update; therefore, you CANNOT schedule such matters at this time. You may ONLY handle matters on this list.**

- Matters which are new to the list are in **bold** letters.
- If a matter is not included in this list, the Town and Village Courts may not handle it at this time.
- **At all times, the capacity of the courtroom cannot exceed 25% of capacity.**
- Proper PPE must be worn by all present.
- Social distancing must be followed.
- Proper cleaning protocols must be followed.

Criminal Matters:

- Judges may hold in-person arraignments for VTL Appearance Ticket Returns, Appearance Tickets, and Criminal Summons Returns provided the strict occupancy limitations identified above are not exceeded and proper safety protocols are followed at all times. Off-hour arraignments shall continue in the CAPs and Temporary CAPs unchanged except that the Arraigning Judge is permitted and encouraged to appear in person.
- Preliminary hearings. Judges may conduct in-person preliminary hearings.
- Bench Trials and Hearings. Scheduled one at a time.
- **IN PERSON ARRAIGNMENTS ON APPEARANCE TICKETS.** (There is no longer a restriction based upon when it was issued)
- Judges may hold in-person pleas and sentences.
- In person appearances regarding appeals.
- In person motion argument.
- Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable dispositions are reached, plea affidavits (pleas on paper) are strongly encouraged. Please work with your ADA and defense counsel on procedure. This will not only limit the foot traffic in your courts, it will also give you an opportunity to address the backlog of cases.
- **In person jury trials, ONLY UPON CONSENT OF THE DISTRICT ADMINISTRATIVE JUDGE**

Civil Matters:

- Bench Trials and Hearings. Scheduled one at a time.
- Small Claims matters
- Town Code Violations
- **Landlord/Tenant and Eviction matters in accordance with Judge Marks' Administrative Order-231/20 (attached) and the OJCS memo dated October 9, 2020 (attached).**
- **In person jury trials ONLY UPON CONSENT OF THE DISTRICT ADMINISTRATIVE JUDGE**

Vehicle and Traffic Matters:

- **IN PERSON VTL TICKET RETURNS.** (There is no longer a restriction based upon when it was issued)
- Within ethical guidelines, Judges are encouraged to cooperate with their local prosecutor and public defender/assigned counsel office/local Bar Association to establish a mail-in dispositional process that would allow a defendant charged with a VTL infraction to elect to proceed without a personal appearance in order to mitigate the effects of the COVID-19 outbreak, and to control in-person traffic within Town and Village Courts