

Cause No: _____

) (In the District Court

) (_____ Judicial District

) (_____ County, Texas

Infectious Disease Protocol Reset
Motion in the 36th, 156th and 343rd District Court

1. The above case is set on: _____, 2020 @ _____ am/pm for a

_____ Arraignment

_____ Pre-Trial

_____ Final Hearing

_____ Jury Trial

_____ Sentencing

_____ other, please state what hearing is scheduled: _____

2. A re-set of the above case is hereby requested because:

_____ (name) *IS ILL* and they are:

_____ a Party to this case;

_____ an Attorney of record in this case;

_____ a necessary witness in this case;

_____ other, please state relationship to the case: _____

3. The undersigned hereby affirms that they have consulted with opposing counsel or the opposition and :

_____ There is no opposition to this request; or

_____ This request is opposed by: _____.

Signed this the _____ day of _____, 20____.

_____, Movant SBN: _____

_____, Address

_____ phone number

_____ email address

36th, 156th, and 343rd DISTRICT COURT INFECTIOUS DISEASE PROTOCOL

1. STATEMENT AND POLICY

In response to the threat of the Coronavirus and other infectious diseases, this Court hereby implements this Infectious Disease Protocol, to minimize the risk of community transmission of COVID-19. This Protocol covers persons with scheduled hearings, appearances or trials in the 36th, 156th, and 343rd District Courts who have reason to believe that they, their attorney, client or necessary witness have been exposed to COVID-19, or are experiencing the flu-like symptoms (hereafter referred to as a "*Covered Person*").

POLICY: No person who has been exposed to COVID-19 or is experiencing flu-like symptoms may personally appear in court while this protocol is in force, without prior express permission of the Court. It is the sole and exclusive obligation of each attorney or self-represented litigant to comply with this protocol.

2. CIVIL CASES

A *Covered Person* in a *civil pre-trial hearing* may appear telephonically if the court has the availability. Telephonic testimony in a bench trial requires agreement of counsel. No telephonic testimony will be permitted in jury trials except as authorized by statute. A notary public must be physically present with the witness to identify the witness by proper and legal ID and administer the oath to the witness on the record. *Covered Persons* not properly sworn in this manner will not be permitted to testify.

3. FELONY CRIMINAL CASES

Defendants in felony criminal cases must appear in person as summoned for each setting unless their appearance has been waived by signed court order. Approved forms for waivers of appearance, arraignment and Pre-Trial hearing may be obtained via e-mail from the Court Coordinators or at www.36-156-343districtcourts.org. Any *Covered Person* who is a defendant in a felony criminal case must contact their attorney *prior* to the setting in order to request to be excused from court.

4. CONTINUANCES AND ALTERNATIVES TO ORAL HEARINGS

All requests for continuance under this protocol must include a certificate of conference stating the agreement or opposition of opposing counsel. The motion must state that it is asserted pursuant to the Infectious Disease Protocol, identify the Covered Person or Persons, and describe why they are necessary for the hearing in question.

If no contested issue needs to be considered by the Court, Rule 11 Agreements should be utilized.

5. CONTACT INFORMATION

Questions and requests for waiver forms should be directed to:

CRIMINAL CASES: 361-364-9310 or email: Districtjudges@gmail.com

All OTHER: 361-364-9310 or email the particular court

36th Judicial District Court – Judge Starr Bauer – 36districtcourt@gmail.com

156th Judicial District Court – Judge Patrick Flanigan – 156districtcourt@gmail.com

343rd Judicial District Court – Judge Janna Whatley – 343districtcourt@gmail.com

Effective March 13, 2020.

