

STATE OF LOUISIANA
PARISHES OF IBERIA, ST. MARTIN AND ST. MARTIN
SIXTEENTH DISTRICT COURT

In Re:

COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES
CREATED BY COVID-19
(CORONAVIRUS)

ORDER

The General Order is being used in response to the outbreak and continuing spread of Coronavirus Disease 2019 (COVID-19) in Louisiana, and throughout the United States. In light of the Governor's extension of the Stay At Home Order until May 15, 2020 and the Louisiana Supreme Court Order issued on April 29, 2020, the 16th Judicial District Court for the Parishes of Iberia, St. Martin and St. Mary issues this order. Our purpose is to address this public health crisis in a way that protects the health and the safety of the public and for everyone at our Court facilities, while at the same time, as much as possible, maintains access to the Court.

IT IS HEREBY ORDERED that, effective beginning Friday, May 1, 2020, all jury trials (civil and criminal) between now and June 30, 2020 are to be hereby continued and reset by further court order.

IT IS FURTHER ORDERED that, effective beginning Friday, May 1, 2020, all grand jury proceeding set prior to June 30, 2020 shall be postponed to a date reset by further court order.

IT IS FURTHER ORDERED the prohibition on in-person proceedings (except as expressly permitted, within this order as "In-person Emergency Matters") is extended until Monday, May 18, 2020.

In-Person Emergency Matters: The Court may only conduct in-person proceedings to address emergency matters that cannot be resolved virtually. Courts must continue to take measures to limit access to courtrooms and other spaces, with absolute minimum physical contact, to practice social distancing and limit in-person court activity to only the emergency matters defined below. All emergency matters should be conducted with the use of audio-visual and telephone conferencing whenever possible.

Criminal Matters: In criminal matters, the following matters are deemed emergency matters for purposes of "In-Person Emergency Matters": criminal initial appearances for adults and juveniles, arraignments for incarcerated individuals, bond hearings, criminal protective orders

and other emergency matters necessary to protect the health, safety and liberty of individuals as determined by each court.

Civil Matters: In civil matters, the following matters are deemed emergency matters for purposes of “In-Person Emergency Matters”: civil protective orders, child in need of care proceedings, emergency child custody matters, proceedings for children removed from their home by emergency court order, proceedings related to emergency interdictions and mental health orders, temporary restraining orders and injunctions, and matters of public health related to this crisis and other emergency matters necessary to protect the health, safety and liberty of individuals as determined by each court.

Remote Proceedings: This Order expressly does not prohibit any court proceedings by telephone, video, teleconferencing, or any other means that do not involve in-person contact with consent of all parties and the judge. This Order does not affect courts’ consideration of matters that can be resolved without in-person proceedings. This authority does not extend to any matters suspended by executive action by the Governor, including but not limited to eviction. The consent for remote proceedings in civil matters shall not be unreasonably withheld by any party, which shall be enforced by the trial judge pursuant to the authority granted by Louisiana Code of Civil Procedure Article 191, or as expressly provided by law.

Speedy Trial Computations: Given the public health concerns and the necessity of taking action to slow the spread of the disease, the continuances occasioned by this Order and previous COVID-19 Orders issued serve the ends of justice and outweigh the best interest of the public and the defendant in a speedy trial. Therefore, the time periods of such continuance shall be excluded from speedy trial computations pursuant to law, including but not limited to those set forth in the Louisiana Code of Criminal Procedure and the Louisiana Children’s Code, and presumptively constitute just cause.

Dated this 30th day of April, 2020.


LEWIS PITMAN, CHIEF JUDGE