

## **Fourth Judicial District Town and Village Courts Phase IV SUMMARY**

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 measured 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 Phase IV. Matters which were permitted in Phases I-III are included so that this list is an exhaustive list of everything that can be handled.

- New Phase IV matters are in capital letters.
- If a matter is not included on this list, the Town and Village Court should not hear it during Phase IV.
- The capacity of the courtroom shall not exceed 25% of previously established maximum capacity.
- Face covering must be worn by all present and proper Personal Protective Equipment (PPE) should be utilized.
- Social distancing must be followed.

### **Criminal/Vehicle & Traffic Matters:**

- Off hour arraignments in Central Arraignment Part (CAP) Counties may resume normal operations.
- Off hour arraignments in Virtual Arraignment Part (VAP) Counties will also continue. In those counties, business hour arraignments may be conducted in-person by the court of geographic jurisdiction.
- Preliminary hearings should occur in-person unless otherwise ordered by the Presiding Judge upon consideration of the position of the parties.
- In-person arraignments on previously filed cases upon the request of a party or counsel.
- VTL APPEARANCE TICKETS CAN BE SCHEDULED IN PERSON IF WRITTEN PRIOR TO JUNE 1, 2020, EXCEPT FOR DWIs WHICH CAN BE SCHEDULED REGARDLESS OF DATE OF OFFENSE.
- NON-VTL MATTERS COMMENCED BEFORE JUNE 1, 2020 CAN BE ALSO BE SCHEDULED.
- PLEAS AND SENTENCES FOR OUT OF CUSTODY DEFENDANTS WHERE THE SENTENCE DOES NOT INVOLVE INCARCERATION.
- PLEAS AND SENTENCES FOR IN-CUSTODY DEFENDANTS MAY BE SCHEDULED.
- In-person appearances regarding appeals.
- IN-PERSON MOTION ARGUMENT.
- Virtual conferences continue to be encouraged, including the use of permissible plea by mail forms.

### **Civil Matters:**

- Bench Trials and Hearings.
- Small Claims matters
- TOWN CODE VIOLATIONS
- Dangerous Dog matters
- Landlord/Tenant and Eviction matters in accordance with Judge Marks' AO/127/20 and Executive Order 202.28 (See OJCS Memo dated June 30, 2020 for additional guidance)