

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-04-02

The Idaho Supreme Court's February 3, 2021 Order Re: Commencement of Jury Trials and Grand Jury Impanelment allows for the resumption of jury trials commencing on or after March 1, 2021 unless:

4.a. The county in which the prospective juror has been summoned to attend court has a seven-day moving average incidence rate of confirmed or presumed cases of COVID[-]19 of 25.0 or greater per 100,000 population as reflected on the Cases by County page of the Idaho Department of Health and Welfare's COVID-19 Data Dashboard available at www.coronavirus.idaho.gov;

OR

4.b. The county in which the prospective juror has been summoned to attend court has a seven-day moving average incidence rate of confirmed or presumed cases of COVID[-]19 of between 14.0 and 24.9 per 100,000 population and an upward or increasing 14-day trend as reflected by the Seven-Day Moving Average Incidence Rate on the Cases by County page of the Idaho Department of Health and Welfare's COVID-19 Dashboard available at www.coronavirus.idaho.gov. An upward trend occurs when the seven-day moving average incidence rate for the Thursday of the relevant reporting week is higher than the seven-day moving average for the prior Thursday. Order Re: Commencement of Jury Trials and Grand Jury Impanelment, at 2.¹

¹*But see* Order Re: Commencement of Jury Trials and Grand Jury Impanelment, at 3 (If a jury trial has already commenced, "it should continue to verdict unless, in the discretion of the assigned judge, a significant change in the weekly COVID-19 incidence rate or other local COVID-19 incident or public health action justifies a temporary suspension of the trial. Any order in this regard must be supported with written findings.").

This order utilizes the data issued at the end of business on Thursday, April 1, 2021, when the daily state and county COVID-19 case numbers were released on-line by the Idaho Department of Health and Welfare, for each of the counties in this district, as noted hereinafter.

1. Ada County

Ada County had a seven-day moving COVID-19 case average of 15.5 per 100,000 population, with a downward case count trend (the seven-day moving average incidence rate for the prior Thursday, March 25, 2021, was 16.8). Based on prior case count numbers (see Administrative Order No. 21-03-26) effective April 5, 2021,² Ada County jury trials are permitted to resume and may continue to be held, until further notice.

2. Boise County

Boise County had a seven-day moving COVID-19 case average of 12.8 per 100,000 population. As of this date, Boise County may continue with jury trials, until further notice.

3. Elmore County

Elmore County had a seven-day moving COVID-19 case average of 21.8 per 100,000 population, with an upward case count trend (the seven-day moving average incidence rate for the prior Thursday, March 25, 2021, was 18.7). Based on prior case counts numbers (see Administrative Order No. 21-03-26), effective April 5, 2021, Elmore

²"The Administrative District Judge's determination described in this paragraph shall be based on the weekly COVID-19 incident rates published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur." Order Re: Commencement of Jury Trials and Grand Jury Impanelment, at 2.

County jury trials are suspended and will continue to be suspended, until further notice, unless the jury trial has already commenced.


For Elmore County, a jury trial has commenced if the jury venire is required to physically appear at the courthouse or other designated location, on or before April 2, 2021.

4. Valley County

Valley County had a seven-day moving COVID-19 case average of 7.5 per 100,000 population. As of this date, Valley County may continue with jury trials, until further notice.

IT IS SO ORDERED.

Dated this 2nd day of April 2021.



HONORABLE STEVEN J. HIPPLER
Administrative District Judge

cc: All Judges
Sandra Barrios, Trial Court Administrator, Fourth Judicial District
Phil McGrane, Ada County Clerk of Court
Mary T. Prisco, Boise County Clerk of Court
Shelley Essl, Elmore County Clerk of Court
Douglas Miller, Valley County Clerk of Court
Robert Reisig, Administrative Staff Attorney
Idaho Supreme Court, AdminOrders@idcourts.net