

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

\* \* \*

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-04-23

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](http://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](http://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.<sup>1</sup>

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<sup>1</sup>*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 22, 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 13.7 per 100,000 population, with a downward case count trend (the seven-day moving average incidence rate for the prior Thursday, April 15, 2021, was 17.1). Effective April 26, 2021, Ada County jury trials can resume and may continue, until further notice.

### **2. Boise County**

Boise County had a seven-day moving COVID-19 case average of 14.6 per 100,000 population, with an upward case count trend (the seven-day moving average incidence rate for the prior Thursday, April 15, 2021, was 9.1). Effective May 3, 2021,<sup>2</sup> Boise County jury trials are suspended, until further notice, unless the jury trial has already commenced.

For Boise 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 30, 2021.

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<sup>2</sup>"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.

### 3. Elmore County

Elmore County had a seven-day moving COVID-19 case average of 22.3 per 100,000 population, with a downward case count trend (the seven-day moving average incidence rate for the prior Thursday, April 15, 2021, was 30.1). Effective May 3, 2021, Elmore County jury trials can resume, until further notice.

### 4. Valley County

Valley County had a seven-day moving COVID-19 case average of 3.8 per 100,000 population. As of this date, Valley County may continue with jury trials, until further notice.

IT IS SO ORDERED.

Dated this 23<sup>rd</sup> day of April 2021.

DocuSigned by:  
  
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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  
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