

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO

* * *

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-04-30

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 29, 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 14.7 per 100,000 population, with an upward case count trend (the seven-day moving average incidence rate for the prior Thursday, April 22, 2021, was 14.5). Effective May 10, 2021, Ada County jury trials are suspended until further notice, unless the jury trial has already commenced.

For Ada 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 May 7, 2021.

2. Boise County

Boise County had a seven-day moving COVID-19 case average of 18.2 per 100,000 population, with an upward case count trend (the seven-day moving average incidence rate for the prior Thursday, April 22, 2021, was 14.6). Based on Administrative Order No. 21-04-23, jury trials may not commence the week of May 3, 2021, and based on this week's seven day moving average,² jury trials are also precluded the week of May 10, 2021 and may not commence thereafter until further order.

3. Elmore County

Elmore County had a seven-day moving COVID-19 case average of 17.1 per 100,000 population, with a downward case count trend (the seven-day moving average

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.

incidence rate for the prior Thursday, April 22, 2021, was 25.4). Effective May 3, 2021,³ Elmore County jury trials can resume and may continue, until further notice.

4. Valley County

Valley County had a seven-day moving COVID-19 case average of 2.5 per 100,000 population. As of this date, Valley County may continue with jury trials, until further notice.

IT IS SO ORDERED.

Dated this 30th day of April 2021.

4/30/2021 | 12:03 PM MDT

DocuSigned by:

Judge Steven Hippler

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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
Robert Reising, Administrative Staff Attorney
Idaho Supreme Court, AdminOrders@idcourts.net

³This effective date is based upon prior case count numbers. See Administrative Order No. 21-04-23.