

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-08-27

The Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services provides:

Jury proceedings, including jury trials and grand jury proceedings, may commence anytime during a calendar week unless the Administrative District Judge has determined that 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.[.]¹

The Administrative District Judge's determination described in this paragraph shall be **based on the weekly COVID-19 incident rates for that county published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur.** *Id.* at 3-4. (emphasis added).

This order utilizes the data issued at the end of business on Thursday, August 26, 2021, when the daily state and county COVID-19 case numbers were released on-line by

¹"Once a trial has commenced, it should continue to verdict unless, in the discretion of the assigned judge, a significant increase 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." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4. *See also* Idaho Supreme Court's September 10, 2020 Order Re: Commencement of Jury Trials, at 1 ("[T]he word 'commence' means the first day members of a jury venire are required to physically appear at a courthouse or designated facility.").

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 22.5 per 100,000 population. Effective September 7, 2021,² Ada County may resume jury trials. However, given reports that local hospitals are nearly at crisis standards, the Court will continue to assess the COVID-19 rates within the county and may preclude jury trials for the week of September 7, 2021, by further Order.

2. Boise County

Boise County had a seven-day moving COVID-19 case average of 14.6 per 100,000 population. Boise County may continue with jury trials.

3. Elmore County

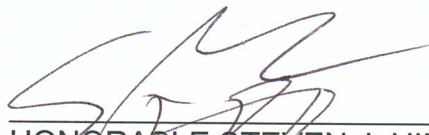
Elmore County had a seven-day moving COVID-19 case average of 50.9 per 100,000 population. Elmore County jury trials remain suspended.

4. Valley County

Valley County had a seven-day moving COVID-19 case average of 31.4 per 100,000 population. Effective August 30, 2021,³ Valley County jury trials are suspended and will continue to be suspended, until further notice.

IT IS SO ORDERED.

Dated this 27th day of August 2021.



HONORABLE STEVEN J. HIPPLER
Administrative District Judge

²September 6, 2021 is Labor Day.

³See Administrative Order No. 21-08-20.

cc: All Judges
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Charles Wadams, Garden City Prosecutor
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Terry Ratliff, Elmore County Public Defender
Scott Erekson, Valley County Public Defender
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