

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

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RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-11-26

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The Idaho Supreme Court's November 23, 2021 Emergency Order Regarding Court Services provides:

Jury proceedings, including jury trials and grand jury proceedings, may commence anytime during a calendar week unless: a. the county in which the jury trial is to be held is located in a public health district in which Idaho's crisis standards of care are activated;<sup>1</sup> or b. 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](http://www.coronavirus.idaho.gov)].

The Administrative District Judge's determination described in paragraph (b) shall be **based on the weekly COVID-19 incidence rates for that county published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur**. Idaho Supreme Court's November 23, 2021 Re: Emergency Order Regarding Court Services, at 3. (emphasis added).<sup>2</sup>

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<sup>1</sup>None of the public health districts in this judicial district presently have crisis standards of care activated. See <https://healthandwelfare.idaho.gov/health-wellness/community-health/crisis-standards-care> ("On Nov. 22, 2021, Crisis Standards of Care (CSC) was deactivated in Idaho except for the Panhandle Health District in north Idaho.").

<sup>2</sup>"Once a trial has commenced, it should continue to verdict unless, in the discretion of the assigned judge, a significant increase in the county's weekly COVID-19 incidence rate or other local coronavirus exposure or public health action justifies a temporary suspension of the trial. Any order in this regard must be supported with written findings." *Id.*, at 3-4. 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.").

This order utilizes the data available at the end of Thursday, November 25, 2021, from the on-line COVID-19 case numbers issued 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 16.3 per 100,000 population. Effective December 6, 2021, Ada County may resume jury trials.

**2. Boise County**

Boise County had a seven-day moving COVID-19 case average of 9.1 per 100,000 population. Effective December 6, 2021, Boise County may resume jury trials.

**3. Elmore County**

Elmore County had a seven-day moving COVID-19 case average of 19.7 per 100,000 population. Effective December 6, 2021, Elmore County may resume jury trials.

**4. Valley County**

Valley County had a seven-day moving COVID-19 case average of 25.1 per 100,000 population. Valley County jury trials remain suspended.<sup>3</sup>

IT IS SO ORDERED.

Dated this 26th day of November 2021.

DocuSigned by:  
*Judge Steven Hippler* 11/26/2021 | 10:22 AM MST  
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HONORABLE STEVEN J. HIPPLER  
Administrative District Judge

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<sup>3</sup>If this order, any previous COVID-19 emergency orders of this Court, or an order entered by an Administrative District Judge pursuant to paragraphs 7 or 8 above resulted in any delay in the commencement of jury trials due to COVID-19, the time used to calculate the right to a speedy trial pursuant to I.C. § 19-3501 shall be deemed to have been tolled for those counties affected by said order.” Idaho Supreme Court’s November 23, 2021, Re: Emergency Order Regarding Court Services, at 4.

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  
Jan Bennetts, Ada County Prosecutor  
Adam Strong, Boise County Prosecutor  
Daniel Page, Elmore County Prosecutor  
Brian Naugle, Valley County Prosecutor  
Jayme Sullivan, Boise City Prosecutor  
Charles Wadams, Garden City Prosecutor  
Tony Geddes, Ada County Public Defender  
Rob Chastain, Boise County Public Defender  
Terry Ratliff, Elmore County Public Defender  
Scott Erekson, Valley County Public Defender  
Randy Rutland, Ada County Jury Commissioner  
Ashley Turner, Boise County Jury Commissioner  
Eileen Kirkland, Elmore County Jury Commissioner  
Tammy Angier, Valley County Jury Commissioner  
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