

In the Supreme Court of the State of Idaho

RE: COMMENCEMENT OF)
JURY TRIALS AND GRAND) ORDER
JURY IMPANELMENT)
_____)

This Court's September 16, 2020, Order In Re: Grand Jury Proceedings established a standard to determine when a district judge could order the impanelment of a grand jury, which standard was based upon the incidence rate of confirmed or presumed COVID-19 in the relevant county. Since that time, and in light of the continued community spread of the coronavirus, this Court issued the November 9, 2020, Order Re: Commencement of Jury Trials which prohibited the commencement of any jury trial, whether criminal or civil, in Idaho state courts before January 4, 2021.

A primary purpose of these orders was to address the substantial health and safety risks upon all jury trial and grand jury participants caused by community spread of the novel coronavirus, while seeking to also protect the legal rights of parties. As recognized in the November 9, 2020 order, it is essential that the spread of the virus be slowed to protect public health and safety as well as safeguard the ability of Idaho's healthcare professionals to manage the recent increase in cases. The virus is easily transmitted, especially in group settings. Both jury trials and grand jury impanelment proceedings require groups of people to congregate in indoor settings. In addition, in both types of proceedings, some participants are not voluntarily present, but rather are required under penalty of law to appear and participate.

Since the entry of the November 9, 2020, order setting a commencement date for jury trials of January 4, 2021, data provided by the Idaho Department of Health and Welfare at coronavirus.idaho.gov indicates that the spread of the virus has not slowed and the difficulties faced by Idaho's healthcare professionals in managing the impact has worsened. Since November 9, 2020, there have been twenty seven days in which Idaho reported more than 1,000 new cases of COVID-19. Twice in the last seven days there were days in which over 2,000 new cases were reported. Since November 9, 2020, the number of patients currently hospitalized in an inpatient hospital bed with suspected or confirmed COVID-19 has increased twenty six percent and, for the first time since the pandemic began, on ten different days over one hundred patients were currently hospitalized in an intensive care unit with confirmed COVID-19. According to the Idaho Department of Health and Welfare, preliminary data collected from death certificates indicated that the leading cause of death in Idaho in November was COVID-19. On December 11, 2020, Idaho's state Board of Health and Welfare unanimously approved a temporary rule authorizing the Director of the department to activate crisis standards of care in the state.

Due to the continuing community spread of the coronavirus, the increased pressure on Idaho's healthcare professionals and systems, and in order to foster public safety for both the general

public as well as those who would otherwise be required to participate in a jury trial or grand jury impanelment proceeding, pursuant to Idaho Court Administrative Rule 48 this Court now orders that no jury trial, whether criminal or civil, nor grand jury impanelment proceeding shall commence in Idaho state courts until further order of this Court. Continuing service by seated grand juries will be left to the discretion of the presiding district judge who impaneled the grand jury, based on the standards and protocols set forth in this Court's September 16, 2020 order.

As used in this order, the word "commence" means the first day members of a jury or grand jury venire are required to physically appear at a courthouse or designated facility. This order shall be deemed to have tolled the time utilized to calculate the right to a speedy trial pursuant to I.C. §19-3501.

This order shall be reconsidered no later than March 1, 2021.

IT IS SO ORDERED.

DATED this 14 day of December, 2020.



Roger Burdick,
Chief Justice, Idaho Supreme Court

ATTEST:



Clerk