

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

ORDER RE:
POSTPONEMENT OF JURY TRIALS
AND MANDATORY SAFETY
PROTOCOLS IN THE NEZ PERCE
AND CLEARWATER COUNTY
COURT FACILITIES

ADMINISTRATIVE ORDER
2021-04

Gregory FitzMaurice, Administrative District Judge of the Second Judicial District hereby finds and orders as follows:

WHEREAS, on June 24, 2021 the Idaho Supreme Court issued an “EMERGENCY ORDER REGARDING COURT SERVICES”. Said Order contained the following requirements and prohibitions:

2. **Administrative District Judges Authorized to Issue Orders Regarding Courthouses and Courtroom Risk Reduction Protocols in Their Districts:** If, as reflected in [the Weekly Publication of COVID-19 Incidence Rates], a county’s seven-day moving average incidence rate of confirmed presumed cases of COVID-19 is 25.0 or greater per 100,000 population, the Administrative District Judge shall enter an administrative order defining the safety protocols that will be required in the county’s courthouse. The Order will, at a minimum, require all persons entering the courthouse to do court business to wear a mask that covers the nose and mouth and maintain six feet of social distance from anyone that does not live in their household.

and;

7. **Weekly COVID-19 Incidence Rate Jury Trial Postponements:** 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.

and;

WHEREAS, the seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 in Nez Perce County for Wednesday August 4, 2021 is 49.8 and Clearwater County for Wednesday August 4, 2021 is 27.7

IT IS HEREBY ORDERED as follows:

1. Jury Trials in Nez Perce and Clearwater Counties are suspended for a minimum of two weeks August 9–20, 2021.
2. Unless otherwise directed by the Administrative District Judge, the assigned judges have the discretion to hold proceedings/sentencings in person or remotely, i.e. with all participants utilizing remoted technologies.

IT IS FURTHER ORDERED that all persons entering the Nez Perce and Clearwater County Courthouses to do court business shall be subject to and maintain the following protocols:

3. All persons are required to wear a mask while in the Nez Perce and Clearwater County court operations areas on court business.
4. All persons, not of the same household, must observe a minimum of six feet of social distancing from other persons.

This Order is to remain in effect until the seven-day moving average incidence rate in Nez Perce and Clearwater Counties fall below 25.0, as determined by the Idaho Department of Health and Welfare.

IT IS SO ORDERED.

Dated this 4th day of August, 2021.



Honorable Gregory FitzMaurice
Administrative District Judge
Second Judicial District

cc:

2nd Judicial District Elected Clerks
2nd Judicial District Jury Commissioners
2nd Judicial District Magistrate & District Judges
2nd Judicial District Court Reporters
2nd Judicial District Lead Court Clerks
Roland Gammill, Trial Court Administrator
Sara Omundson, ADOC, Idaho Supreme Court