

**IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT OF THE STATE  
OF IDAHO**

**ORDER RE: )**  
**POSTPONEMENT OF JURY )**  
**TRIALS IN THE THIRD )**  
**JUDICIAL DISTRICT )**      **Administrative Order 2021-22**

Davis VanderVelde, Administrative District Judge of the Third Judicial District hereby finds and Orders as follows:

On June 25, 2021 the Idaho Supreme Court issued its Amended Order entitled “EMERGENCY ORDER REGARDING COURT SERVICES.” That Order contained the following requirements and prohibitions:

2.      **Administrative District Judge Authorized to issue Orders Regarding Courthouse 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 or 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.

If, as reflected in the report described in paragraph 1, a county’s seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 is 24.9 or lower, the Administrative District Judge is responsible for ensuring adequate measures are in place in each courthouse to reduce the risk of transmission of the coronavirus to all persons participating in a court proceeding or doing court business. Adequate measures may include, but are not limited to, social distancing requirements, masking requirements, and requiring the use of remote proceedings. In determining adequate measures, the Administrative District Judge should consider local conditions including, but not limited to, the COVID-19 incidence rate of the county as reflected in the weekly incidence report described in paragraph 1.

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 <https://coronavirus.idaho.gov>.

and;

8. **Other Postponements Authorized by Administrative District Judge:**


Notwithstanding the conditions set forth in paragraph 7, an Administrative District Judge may, in the exercise of discretion, enter an order prohibiting the commencement of jury trials or the impanelment of a grand jury in a county where there are circumstances beyond the acceptable incidence rates which pose a substantial increase in the health or safety risks to participants. Such an order shall be in writing and contain the factual basis for the determination and shall upon entry be submitted via email to the Administrative Office of the Courts.

The Court finds that the current seven-day moving average incidence rates of confirmed or presumed cases of COVID-19 in Adams, Canyon, Gem, Owyhee, Payette, and Washington counties are all greater than 25.0 per 100,000. Further, such COVID-19 rates have remained high within the Third Judicial District, hospitalization rates continue to rise within the State of Idaho, and hospital critical standards of care have been activated in parts of the state.

**IT IS THEREFORE ORDERED:**

1. Jury Trials in **ALL** counties in the Third Judicial District are suspended and postponed until further order of the court. A minimum of twenty-one (21) days, notice shall be given prior to trials resuming.
2. All persons entering a court facility in the Third Judicial District, State of Idaho, are required to wear a mask while in the court facility on court business.
3. All persons entering a court facility in the Third Judicial District, State of Idaho, that are not of the same household, must observe a minimum of six feet of social distance from other persons.

Dated this 10 day of September, 2021

  
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Davis VanderVelde  
Administrative District Judge

cc: Sara Omundson, Administrative Director of the Courts  
Sherry Ward, Adams County Clerk  
Chris Yamamoto, Canyon County Clerk  
Shelly Tilton, Gem County Clerk  
Lindsey Bratcher, Payette County Clerk  
Angela Barkell, Owyhee County Clerk  
Donna Atwood, Washington County Clerk  
Jamie Robb, Third Judicial District Trial Court Administrator