

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

ORDER RE: POSTPONEMENT OF JURY
TRIALS AND GRAND JURY
PROCEEDINGS FOR THE **WEEK OF
JANUARY 10, 2022** AND MANDATORY
SAFETY PROTOCOLS AND SUSPENSION
OF JURY TRIALS IN BONNEVILLE
COUNTY FOR THE **WEEK OF JANUARY
3, 2022**

ADMINISTRATIVE ORDER
2021-40

Dane H. Watkins, Jr., Administrative District Judge of the Seventh Judicial District hereby finds and Orders as follows:

WHEREAS on November 29, 2021 the Idaho Supreme Court issued its Amended Order entitled “EMERGENCY ORDER REGARDING COURT SERVICES.” Said Order contains certain requirements and prohibitions, including regarding the conduct of jury trials and safety protocols for counties in the Seventh Judicial District, as follows:

Paragraph 1:

“Weekly Publication of COVID-19 Incidence Rates: The Data and Evaluation Unit of the Administrative Office of Courts shall utilize data obtained from the Idaho Department of Health and Welfare’s COVID-19 Data Dashboard, and shall determine the weekly COVID-19 incidence rates for each county every Thursday evening after 5:00 p.m. Mountain Time. The weekly COVID-19 incidence rates shall be published to the Administrative District Judges and Trial Court Administrators on Friday mornings of each week.”

Paragraph 2 (in part):

“Administrative District Judges Authorized to Issue Orders Regarding Courthouse and Courtroom Risk Reduction Protocols in Their Districts:

... “If a county is located within a public health district in which Idaho’s crisis standards of care are currently activated, or 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 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.”

Paragraph 7 (in part):

Jury Trial Postponements: 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; 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

and,

Paragraph 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 previously published 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 e-mail to the Administrative Office of the Courts.

WHEREAS, the Honorable Dane H. Watkins, Jr. finds no counties in the Seventh Judicial District are a part of a public health district currently subject an active declaration of Idaho’s crisis standards of care; and,

FURTHER finds that the seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 is 25.0 or greater per 100,000 population in certain 7th Judicial District counties as of **December 31, 2021**; and,

FURTHER finds that in Bonneville County, since a determination on December 24, 2021 that Bonneville County would be allowed to proceed with jury trials the week of January 3, 2022, the published incidence rates of COVID-19 have increased substantially over the past three calendar days and now exceed 25.0 per 100,000; and, that as of December 30, 2021, the incidence rate of confirmed or presumed cases of COVID-19 in Bonneville County is: 34.0; and, that this increase poses a health and safety risk to participants in Bonneville County, despite the previously published incidence rates;

THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. Jury Trials in Bonneville County scheduled for the week of **January 3, 2022**, are now hereby suspended; and,
- 2. Jury Trials and Grand Jury Proceedings are also suspended for the week of **January 10, 2022** in the following 7th Judicial District counties:

Bonneville	Madison	Teton	

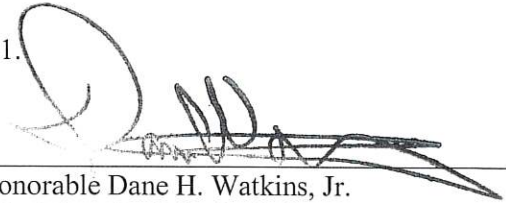
IT IS FURTHERED ORDERED, effective immediately, that all persons entering the County Court Facilities in all counties identified in number 2 above, for court business shall be subject to and maintain the following protocols:

3. All persons entering for court business are required to wear a mask covering their nose and mouth.
4. All persons must maintain a minimum of six feet of social distancing from anyone that does not live in their household.

This order as it pertains to numbers 3 and 4 above is to remain in effect in the counties identified in paragraph 2 above until the seven-day moving average incidence rate falls below 25.0 in the respective county(ies), as determined by the Idaho Department of Health and Welfare's COVID-19 Data Dashboard.

IT IS HEREBY ORDERED.

Dated this 31st day of December, 2021.



Honorable Dane H. Watkins, Jr.
Administrative District Judge
Seventh Judicial District

Cc:

7th Judicial District Elected Clerks
7th Judicial District Lead Clerks
7th Judicial District Magistrate & District Judges
7th Judicial District Court Reporters
7th Judicial District Jury Commissioners
Tammie D. Whyte, Trial Court Administrator
Sara Omundson, ADOC, Idaho Supreme Court