

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: FOURTH DISTRICT JURY TRIALS

ADMINISTRATIVE ORDER

NO. 21-08-20

The Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services provides:

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].¹

The Administrative District Judge's determination described in this paragraph shall be **based on the weekly COVID-19 incident rates for that county published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur.** *Id.* at 3-4. (emphasis added).

This order utilizes the data issued at the end of business on Thursday, August 19, 2021, when the daily state and county COVID-19 case numbers were released on-line by

¹Once a trial has commenced, it should continue to verdict unless, in the discretion of the assigned judge, a significant increase in the weekly COVID-19 incidence rate or other local COVID-19 incident or public health action justifies a temporary suspension of the trial. Any order in this regard must be supported with written findings." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 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.").

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 30.3 per 100,000 population. Ada County jury trials remain suspended.

2. Boise County

Boise County had a seven-day moving COVID-19 case average of 10.9 per 100,000 population. As of this date, Boise County may continue with jury trials.

3. Elmore County

Elmore County had a seven-day moving COVID-19 case average of 30.6 per 100,000 population. Elmore County jury trials remain suspended.

4. Valley County

Valley County had a seven-day moving COVID-19 case average of 52.7 per 100,000 population. Effective August 30, 2021, Valley County jury trials are suspended.

Administrative Order No. 21-08-13, which was based on the county's acceptable COVID-19 case count numbers for the prior ten day period, allows jury trials to commence in Valley County, for the calendar week of August 23, 2021.

Administrative Order No. 21-08-06-02 (social distancing requirements—to the extent practicable, and masks) is reinstated as to Valley County, effective August 23, 2021.

IT IS SO ORDERED.

Dated this 21st day of August 2021.

A handwritten signature in black ink, appearing to be "D. J. ...", is written over a horizontal line.

HONORABLE STEVEN J. HIPPLER
Administrative District Judge

cc: All Judges
Sandra Barrios, Trial Court Administrator, Fourth Judicial District
Phil McGrane, Ada County Clerk of Court
Robert Reisig, Administrative Staff Attorney
Idaho Supreme Court, AdminOrders@idcourts.net
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 Erikson, 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