

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: SEPTEMBER 7, 2021 FOURTH
DISTRICT JURY TRIALS SUSPENSION

ADMINISTRATIVE ORDER

NO. 21-09-01

Administrative Order No. 21-08-27 allowed jury trials to continue in Boise County and for jury trials to resume in Ada County on September 7, 2021. That order also specified that the court would continue to assess the COVID-19 situation and could preclude jury trials by further order, if circumstances warranted. Jury trials were already suspended for that time period in Elmore County and Valley County.

As of yesterday, Ada County's COVID-19 seven-day moving average incidence rate remains below the Idaho Supreme Court's threshold for holding jury trials, as does Boise County's.¹ However, Ada County's COVID-19 hospitalization and ICU admission rates are both very high and the number of ICU beds available in Ada County is very low.²

Ada County hospitals receive patients from counties other than Ada County and the most recent COVID-19 seven-day moving average incidence rate numbers from neighboring counties such as Canyon (53.2/100,000), Elmore (41/100,000), Gem (40.2/100,000), and Valley (26.3/100,000) remain high, and they are still relatively high in Ada County (18.9/100,000) and Boise County (18.2/100,000).

¹See Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 1-2.

²<https://public.tableau.com/app/profile/central.district.health/viz/CDHCOVID-19/CDHCOVID-19Information>.

The hospital and ICU bed availability situation state-wide is such that crisis measures may soon have to be implemented.³

Exercising the discretion permitted to the Administrative District Judge in these circumstances,⁴ Administrative Order No. 21-08-27 is rescinded as to the resumption of jury trials in Ada County and the continuation of jury trials in Boise County for the calendar week commencing September 7, 2021. **This means that there will be no jury trials in the Fourth Judicial District for the calendar week of September 7, 2021.**⁵

As provided in the Supreme Court's Order, "the time used to calculate the right to a speedy trial pursuant to I.C. § 19-3501 shall be deemed to have been tolled for those counties affected by said order." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4.

IT IS SO ORDERED.

Dated this 15th day of September 2021.


HONORABLE STEVEN J. HIPPLER
Administrative District Judge

³"On a daily call with hospitals this morning, we heard there are only four standard adult ICU beds available in the entire state. Where hospitals have converted other spaces to be used as contingency ICU beds, those are filling up too,' [Governor] Little said. 'We are dangerously close to activating statewide crisis standards of care – a historic step that means Idahoans in need of healthcare could receive a lesser standard of care or may be turned away altogether. In essence, someone would have to decide who can be treated and who cannot. This affects all of us, not just patients with COVID-19.'" <https://www.ktvb.com/article/news/health/coronavirus/idaho-governor-covid-19-surge-brad-little-icu-announcement/277-1f4706eb-12d8-4bf7-a6a5-26cc6884b304>.

⁴The Administrative District Judge retains the discretion to "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." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4 (#8).

⁵September 6, 2021 is Labor Day.

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 Erekson, 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