

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

* * *

RE: SEPTEMBER 20, 2021 FOURTH
DISTRICT JURY TRIALS SUSPENSION

ADMINISTRATIVE ORDER

NO. 21-09-15

Administrative Order No. 21-09-10 allowed jury trials to resume in Ada County and Valley County on September 20, 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 Boise County and Elmore County.

As of yesterday, Ada County's COVID-19 seven-day moving average incidence rate was very close (24.7/100,000) to the Idaho Supreme Court's threshold for not holding jury trials (25/100,000) and Valley County's rate (27.6/100,000) exceeded it.¹ Ada County's COVID-19 hospitalization and ICU admission rates remain very high and the number of ICU beds available in Ada County remains extremely low.² It also appears that last week's lower numbers for Ada County and Valley County may have been due to some reporting delays.

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

²According to the most recent available information, there are four ICU beds available in Ada County and twelve ICU beds available in the entire state:

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

<https://public.tableau.com/app/profile/idaho.division.of.public.health/viz/DPHIdahoCOVID-19Dashboard/Home>.

Ada County hospitals also receive patients from counties other than Ada County and the most recent COVID-19 seven-day moving average incidence rate numbers from neighboring counties remain high.³

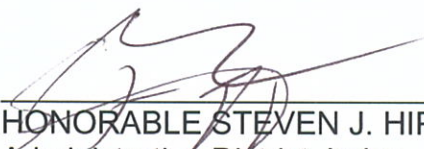
Implementation of crisis standards of hospital care are said to be “imminent” in our area, by the Director of the Idaho Department of Health and Welfare.⁴

Exercising the discretion permitted to the Administrative District Judge in these circumstances,⁵ Administrative Order No. 21-09-10 is rescinded as to the resumption of jury trials in Ada County and Valley County. **There will be no jury trials in the Fourth Judicial District for the calendar week of September 20, 2021.**

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

³Canyon County (69.5/100,000), Elmore County (44.1/100,000), Gem County (49.7/100,000), and Owyhee County (60.4/100,000).

⁴“Hospitalizations in Southwest, Central and South Central health districts, which includes the Treasure Valley and the Magic Valley, are reaching a critical point,” Department of Health and Welfare Director Dave Jeppesen said at a news briefing Tuesday. “Without a change in direction, crisis standards of care are imminent for all three of those health districts.”
<https://www.idahostatesman.com/news/coronavirus/article254246938.html>.

⁵The 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).

cc: All Judges
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Brian Naugle, Valley County Prosecutor
Jayme Sullivan, Boise City Prosecutor
Charles Wadams, Garden City Prosecutor
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Rob Chastain, Boise County Public Defender
Terry Ratliff, Elmore County Public Defender
Scott Erekson, Valley County Public Defender
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Eileen Kirkland, Elmore County Jury Commissioner
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