

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO

\* \* \*

RE: SEPTEMBER 27, 2021 FOURTH  
DISTRICT JURY TRIALS SUSPENSION

ADMINISTRATIVE ORDER

NO. 21-09-22

Administrative Order No. 21-09-17 allowed jury trials to resume in Boise County and Valley County on September 27, 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 Ada County and Elmore County.

As of yesterday, Boise County and Valley County's COVID-19 seven-day moving average incidence rate remained below the Idaho Supreme Court's threshold for not holding jury trials.<sup>1</sup> However, local and state-wide COVID-19 hospitalization and ICU admission rates are still very high and the number of ICU beds available are still extremely low.<sup>2</sup>

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

The lower numbers appear to continue to be attributable, in some part, to a delay in reporting.

<sup>2</sup>According to the most recent available information, there are four ICU beds available locally and thirteen 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>.

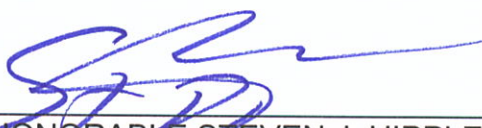
According to the Director of the Idaho Department of Health and Welfare, hospital conditions in Idaho, already in crisis standards, are expected to worsen, at least in the near term.<sup>3</sup>

Exercising the discretion permitted to the Administrative District Judge in these circumstances,<sup>4</sup> Administrative Order No. 21-09-17 is rescinded as to the resumption of jury trials in Boise County and Valley County. **There will be no jury trials in the Fourth Judicial District for the calendar week of September 27, 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 22nd day of September 2021.

  
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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

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<sup>3</sup>[https://www.idahopress.com/news/local/idahos-covid-hospitalizations-expected-to-worsen/article\\_a3307937-bf8d-5714-a725-531239265e15.html](https://www.idahopress.com/news/local/idahos-covid-hospitalizations-expected-to-worsen/article_a3307937-bf8d-5714-a725-531239265e15.html).

<sup>4</sup>The 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).

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