

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL  
DISTRICT IN AND FOR THE STATE OF IDAHO

IN RE: PRELIMINARY HEARINGS.

---

)  
)  
)  
)  
)  
)

Administrative Order 2020-09

The Idaho Supreme Court has issued an Order regarding the Governor’s Proclamation declaring a State of Emergency concerning the operations of the courts within the State of Idaho. In consultation with the judges in the Sixth Judicial District, the following order is issued regarding preliminary hearings:

**In-custody defendants:**

1. Unless an in-custody defendant waives their right to have their preliminary hearing beyond the 14-day requirement, the hearing will proceed as scheduled.
  - a. Prosecutors and defense attorneys are ordered to **meet and confer** at least **48 hours** prior to the scheduled preliminary hearing.
  - b. Defense attorneys **shall notify** the court at least **24-hours** in advance of the hearing whether the preliminary hearing will be waived or contested.
    - i. Failure to timely notify the court may result in the magistrate finding that extraordinary circumstances exist that require the continuance of the hearing.
  - c. If the in-custody defendant chooses to waive his right to a preliminary hearing through written waiver, then the magistrate shall accept the waiver without further hearing and bind the case over to the District Court.
  - d. If the in-custody defendant chooses to contest the preliminary hearing then the defendant will be transported from the jail to the courthouse for the hearing.
    - i. If multiple contested preliminary hearings are scheduled during the same court session the following protocol will apply:
      1. All witnesses shall be notified that they are on stand-by to testify.
      2. Witnesses shall not enter the courthouse until they are notified by the prosecutor or defense attorney they are needed in the courtroom.
3. Occupancy of the courtroom will be limited to:
  - a. Judge
  - b. Judicial assistant
  - c. Prosecutor
  - d. Defense attorney
  - e. Defendant
  - f. Testifying witness
  - g. Court Marshal/Bailiff

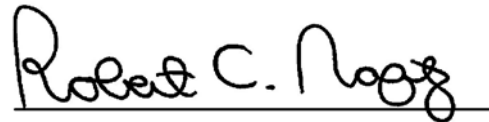
h. Court reporter (if required)

This Order does not otherwise limit the Magistrate's exercise of discretion with regard to preliminary hearings.

This Order corrects that portion of Administrative Order 2020-08 relating to written waivers.

IT IS SO ORDERD.

DATED this 30<sup>th</sup> day of March, 2020.

A handwritten signature in black ink that reads "Robert C. Naftz". The signature is written in a cursive style and is positioned above a horizontal line.

ROBERT C. NAFTZ  
District Judge

cc:

All Sixth District Prosecuting Attorneys  
All Sixth District Criminal Defense Attorneys  
All Sixth District Judges

Kerry Hong, Sixth Judicial District Trial Court Administrator