

**IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO**

ORDER RE:)
POSTPONEMENT OF JURY) **Administrative Order 2021-20**
TRIALS IN THE THIRD)
JUDICIAL DISTRICT)

George A. Southworth, Administrative District Judge of the Third Judicial District hereby finds and Orders as follows:

WHEREAS, on June 25, 2021 the Idaho Supreme Court issued its Amended Order entitled “EMERGENCY ORDER REGARDING COURT SERVICES.” Said Order contained the following requirements and prohibitions:

2. **Administrative District Judge Authorized to issue Orders Regarding Courthouse and Courtroom Risk Reduction Protocols in Their Districts:** If, as reflected in [the Weekly Publication of COVID-19 Incidence Rates], a county’s seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 is 25.0 or greater per 100,000 population, the Administrative District Judge shall enter an administrative order defining the safety protocols that will be required in the county’s courthouse. The Order will, at a minimum, require all persons entering the courthouse to do court business to wear a mask that covers the nose and mouth and maintain six feet of social distance from anyone that does not live in their household.

If, as reflected in the report described in paragraph 1, a county’s seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 is 24.9 or lower, the Administrative District Judge is responsible for ensuring adequate measures are in place in each courthouse to reduce the risk of transmission of the coronavirus to all persons participating in a court proceeding or doing court business. Adequate measures may include, but are not limited to, social distancing requirements, masking requirements, and requiring the use of remote proceedings. In determining adequate measures, the Administrative District Judge should consider local conditions including, but not limited to, the COVID-19 incidence rate of the county as reflected in the weekly incidence report described in paragraph 1.

and;

7. **Weekly COVID-19 Incidence Rate Jury Trial Postponements:** 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 <https://coronavirus.idaho.gov>.

and;

8. **Other Postponements Authorized by Administrative District Judge:**

Notwithstanding the conditions set forth in paragraph 7, an Administrative District Judge may, in the exercise of discretion, 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.

WHEREAS, the seven-day moving average incidence rates of confirmed or presumed cases of COVID-19 in Adams, Canyon, Gem, Owyhee, Payette, and Washington counties are all greater than 25.0 per 100,000;

IT IS HEREBY ORDERED as follows:

1. Jury Trials in **ALL** counties in the Third Judicial District are suspended and postponed the week of September 13, 2021.

WHEREAS, the known incident rate of Gem County as of the cutoff time on August 26, 2021, and published August 27, 2021 was 22.1;

WHEREAS, since that time there has been more data given showing more incidents of COVID-19 and given the rising number of COVID-19 cases;

IT IS HEREBY ORDERED as follows:

1. Jury Trials in Gem County are suspended and postponed the week of September 6, 2021.

IT IS HEREBY ORDERED.

Dated this 3rd day of September, 2021



George A. Southworth
Administrative District Judge

cc: Sara Omundson, Administrative Director of the Courts
Sherry Ward, Adams County Clerk
Chris Yamamoto, Canyon County Clerk
Shelly Tilton, Gem County Clerk
Lindsey Bratcher, Payette County Clerk
Angela Barkell, Owyhee County Clerk
Donna Atwood, Washington County Clerk
Jamie Robb, Third Judicial District Trial Court Administrator