

In the Supreme Court of the State of Idaho

RE: COMMENCEMENT OF
JURY TRIALS

ORDER

To allow for the resumption of jury trials while fostering public safety and mitigating against the rise in COVID-19 cases, pursuant to Idaho Court Administrative Rule 48, the commencement of criminal jury trials proceedings shall be subject to the following terms until further order of the Court.

1. As used in this order, the word “commence” means the first day members of a jury venire are required to physically appear at a courthouse or designated facility.
2. Beginning September 14, 2020, criminal jury trials shall resume subject to the limitations in paragraphs 3 and 4.
3. Criminal jury trials that are scheduled to commence anytime during a calendar week shall take place unless the Administrative District Judge has determined on the Thursday prior to commencement of a trial that:
 - a. 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 COVID19 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 www.coronavirus.idaho.gov;


OR

 - b. 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 COVID19 of between 14.0 and 24.9 per 100,000 population and an upward or increasing 14-day trend as reflected by the Seven-Day Moving Average Incidence Rate on the Cases by County page of the Idaho Department of Health and Welfare’s COVID-19 Dashboard available at www.coronavirus.idaho.gov. An upward trend occurs when the seven-day moving average incidence rate for the current Thursday is higher than the seven-day moving average incidence rate for the prior Thursday.
4. Notwithstanding the conditions set forth in paragraph 3, an Administrative District Judge may, in the exercise of discretion, enter an order prohibiting the commencement of jury trials in a county where there are circumstances beyond the incidence rates which pose a substantial increase in the health or safety risks to jury trial participants. Such an order shall be in writing and contain the factual basis for the determination and shall be submitted via email to the Administrative Office of the Courts.

5. Once a trial has commenced, a change in the incidence rate set forth in paragraph 3 shall not be grounds to discontinue the trial. Nothing contained in this order shall be construed to limit an assigned judge's discretion to commence or discontinue a criminal jury trial for reasons unrelated to COVID19.

IT IS SO ORDERED.

DATED this 10 day of September, 2020.



Roger Burdick,
Chief Justice, Idaho Supreme Court

ATTEST:



Clerk