

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
OF THE STATE OF IDAHO**

ORDER RE: TEMPORARY SUSPENSION )  
OF CRIMINAL JURY TRIALS IN THE )  
SECOND JUDICIAL DISTRICT )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
2020-03

Jay P. Gaskill, Administrative District Judge of the Second Judicial District hereby finds and orders as follows:

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation declaring a national emergency in response to the coronavirus disease outbreak. On March 16, 2020, President Trump issued coronavirus guidelines for America, which among other things, advises to *avoid gatherings in groups of more than 10 people*.

WHEREAS, on March 13, 2020, Governor Brad Little entered a Proclamation and declared a state of emergency in response to the coronavirus emergency in the State of Idaho. On March 18, 2020, Governor Little *adopted the national guidelines*.

WHEREAS, on March 13, 2020, the Idaho Supreme Court issued an order in response to the coronavirus emergency establishing measures for courthouse operations effective Monday, March 16, to Friday, April 10, 2020.

WHEREAS, the CDC (Center for Disease Control and Prevention) *advises avoiding close contact within about 6 feet of one another*.

WHEREAS, some governmental entities in the Second Judicial District have begun limiting public access to their buildings, some of which include the Courts.

WHEREAS, given the physical space limitations of the courthouses in the Second Judicial District, compliance with the above stated protocols is not possible when performing the processes necessary for conducting a jury trial and would place the jury pool, jurors, parties, attorneys, witnesses courthouse personnel and the defendant at great health and safety risk.

WHEREAS, the prospective juror pool is severely limited due to the need to screen out those with high-risk profiles and those presenting with symptoms or who may have been potentially exposed; the need to honor excusal requests by those concerned about participating contrary to established state and national guidelines under the circumstances; and, the complications created by school closures throughout the district.

WHEREAS, under the circumstances, *including but not limited to restricting groups to less than ten (10) people*, it would be irresponsible and futile to summons prospective jurors to report for jury duty in light of the current state of emergency and protocols in place to protect the health and safety of the public as well as all participants necessary to conduct a jury trial.

WHEREAS, in criminal procedures defendants are entitled to a speedy trial by (1) The Sixth Amendment to the Constitution of the United States. (2) Article 1, Section 13, of the Idaho Constitution and Idaho Code § 19-3501. Idaho Code § 19-3501 requires a court to dismiss a case if a defendant is not brought to trial within certain six (6) month timeframes or unless good cause to the contrary is shown.

WHEREAS, on March 18, 2020, the Idaho Supreme Court adopted Idaho Criminal Rule 28 which sets forth factors a court should consider in determining whether good cause exists when exercising discretion in ruling in a motion to continue a trial. These factors include:

1. the length of the delay beyond the statutory timeframe;
2. whether there have been prior continuances and the reasons therefore;
3. the reason(s) for the current delay, including but not limited to: whether the delay was necessary to safeguard the health or safety of the parties, jurors, attorneys, witnesses, court staff, or the public, and whether the delay was necessitated by the declaration of an emergency by the President of the United States or the Governor of the state of Idaho;
4. whether and when the accused requested compliance with the statutory trial time requirements;
5. the prejudice, if any, to the accused of permitting the prosecution to proceed beyond the statutory trial time requirements; and,
6. any other factor of the court deems relevant.

NOW THEREFORE, in the exercise of discretion and for good cause, based on the forgoing and the enumerated factors in the newly issued I.C.R. 28,

IT IS HEREBY ORDERED, that jury trials scheduled to take place on or before April 30, 2020, in the Second Judicial District shall be temporarily suspended and reset for a date past April 30, 2020, upon further order of the presiding judge of the affected case.

IT IS FURTHER ORDERED, that Judges within the Second Judicial District shall review their dockets and promptly notify counsel of record in affected cases regarding the existence of this administrative order and of the need to reset the trial date.

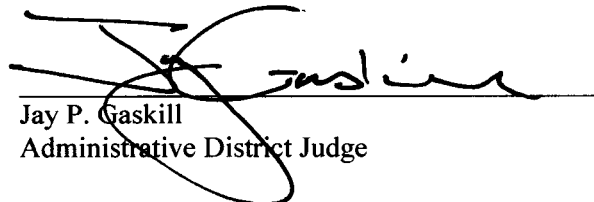
IT IS FURTHER ORDERED, that the jury commissioner in each of the respective counties of the Second Judicial District shall take action necessary to effectuate this order and notify jurors that have already been summoned not to appear during the period this order is in effect.

IT IS FURTHER ORDERED, that judges carrying out the directive of this order shall independently review the cases assigned to them which are affected by this order and timely schedule a hearing to reset the trial for a date as soon as reasonably practicable under the circumstances then existing.

IT IS FURTHER ORDERED, in the absence of a waiver of speedy trial, if a defendant elects to file a motion to dismiss based on the failure to provide a speedy trial, the presiding judge shall issue a separate order applying the factors applying forth in I.C.R. 28 in addition to citing to this Administrative Order.

IT IS FURTHER ORDERED

Dated this 20<sup>th</sup> day of March 2020.



Jay P. Gaskill  
Administrative District Judge

cc: District Judges of the Second Judicial District  
Magistrate Judges of the Second Judicial District  
Elected Clerks of the Second Judicial District  
Jury Commissioners of the Second Judicial District  
Sara Thomas, Administrative Director of the Courts  
Roger S. Burdick, Chief Justice of the Idaho Supreme Court