

SEP 04 2020

CANYON COUNTY CLERK
D. KENNEL, DEPUTY CLERK

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

**Re: Postponing the Commencement of
Criminal Jury Trials in Canyon, Gem,
Owyhee, Payette and Washington
Counties to October 19, 2020**

**Administrative Order
2020 - 19**

WHEREAS, pursuant to Idaho Code section 1-907, as Administrative Judge, the undersigned is charged with arranging or supervising the calendaring of matters for trial or hearing in the Third Judicial District, and

WHEREAS, the Idaho Supreme Court's Order "In Re: Emergency Reduction in Court Services and Limitation of Access to Court Facilities," dated April 22, 2020, precluded the commencement of jury trials in criminal cases before August 3, 2020; and

WHEREAS, on July 15, 2020, the undersigned entered Third Judicial District Administrative Order 2020-17, which suspended the commencement of jury trials in the counties of the Third Judicial District "until further order of the undersigned, subject to any superseding Order entered by the Idaho Supreme Court;" and

WHEREAS, on or about July 24, 2020, the Idaho Supreme Court issued its Order "In Re: Jury Trials" which, *inter alia*, provides: "Due to the continuing rise in positive COVID-19 cases throughout Idaho, the time during which no trial juror shall be required to appear in person shall be extended to September 14, 2020. No jury trial shall commence in a criminal case before September 14, 2020, and in a civil case before December 1, 2020;" and

WHEREAS, it appears to the undersigned that the Supreme Court's July 24, 2020 Order does not require criminal jury trials to commence on September 14, 2020 and does not purport to preclude the Administrative District Judge of a judicial district from postponing the commencement of jury trials in a county or counties in the judicial district based upon proper findings; and

WHEREAS, as Administrative District Judge for the Third Judicial District, I have an obligation to use my best judgment, based on the available information and scientific data, in balancing the need to protect the health and safety of the public, court employees, judicial personnel, counsel and other court participants with the need to provide a forum for the timely

adjudication of legal matters and protection of the rights of litigants and the public; and

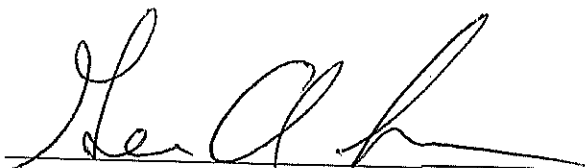
WHEREAS, in furtherance of the foregoing and, based upon all information available, the undersigned finds the following:

1. The coronavirus disease 2019 (COVID-19) is easily transmitted, especially in indoor group settings.
2. There is increasing evidence that aerosol transmission is a primary cause and/or contributor to spread of the virus by asymptomatic and pre-symptomatic persons, especially in congregate settings in enclosed indoor spaces.
3. The Southwest District Health "COVID-19 Health Alert Levels" Tool for September 2, 2020 (reflecting data from August 16, 2020 – August 29, 2020), shows Canyon and Payette counties as "High Risk" (">5 daily new cases per 10,000 people (or) other indications of high risk to the community") and Gem, Owyhee, and Washington counties as "Medium Risk" ("2.5-5 daily new cases per 10,000 people (or) other indications of medium risk to the community") and such counties have been at High or Medium risk levels for a significant period of time. Pursuant to Southwest District Health guidelines "[a]t least two full weeks will be spent in a Health Alert Level before determinations to move to a lower less severe level (e.g. from High to Medium)."
4. Based upon recent past experience, activity over the upcoming Labor Day holiday and the reopening of schools in the counties of the Third Judicial District may cause an increase in case rates and risk levels in the district.
5. It appears that expected jury yields for September are less than optimal for the resumption of jury trials, especially in Canyon County and, due to circumstances beyond our control, Gem County is unable, at this time, to assemble a proper master jury list.
6. The counties and courts in the Third Judicial District continue to work together in modifying facilities, securing sufficient PPE to protect persons doing court business in such facilities, and providing sufficient personnel to attend to persons entering court facilities. However, more time is required to identify and implement elevated precautions to protect jurors, who are summoned to appear in court, and to alleviate concerns among jurors chosen to serve on trials in order to render fair and impartial verdicts without the hindrance of undue concern for their health and safety.
7. It appears that the conduct of trials in the counties of the Third Judicial District under present circumstances would pose an unreasonable risk to the health and safety of jurors, court employees, parties, counsel and others who work in and with the courts of the Third Judicial District, even with the most careful planning.

Based on the foregoing and in the exercise of my discretion as Administrative District Judge for the Third Judicial District, it is,

ORDERED that no trial juror shall be required to appear in person and no criminal jury trial shall commence in a criminal case in Canyon, Gem, Owyhee, Payette, and Washington counties before October 19, 2020, subject to any subsequent order of the undersigned or superseding order of the Idaho Supreme Court.

Dated this 4 day of September, 2020



George A. Southworth
Administrative District Judge
Third Judicial District

Cc: Sara Omundson, Administrative Director of the Courts
District Judges of the Third Judicial District
Magistrate Judges of the Third Judicial District
District Court Clerks of the Third Judicial District
Jury Commissioners of the Third Judicial District