

MAR 23 2020

**CANYON COUNTY CLERK
D. KENNEL, DEPUTY CLERK**

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

ORDER TEMPORARILY SUSPENDING)
JURY TRIALS IN THE THIRD)
JUDICIAL DISTRICT)
_____)

**ADMINISTRATIVE ORDER
2020-5**

WHEREAS, President Donald J. Trump issued a Proclamation declaring a national emergency in response to the novel coronavirus disease (COVID-19) outbreak on March 13, 2020; and

WHEREAS, Idaho Governor Brad Little entered a Proclamation and declared a state of emergency in response to the COVID-19 outbreak in the State of Idaho on March 13, 2020; and

WHEREAS, on March 13, 2020, the Idaho Supreme Court issued its ORDER IN RE: IDAHO SUPREME COURT RESPONSE TO COVID-19 EMERGENCY, providing guidance to judges and ordering certain measures to be implemented in Idaho courts effective March 16, 2020 to April 10, 2020; and

WHEREAS, President Trump's Coronavirus Guidelines for America, issued March 16, 2020, advises to "avoid gatherings in groups of more than 10 people" and the United States Center for Disease Control and Prevention (CDC) advises avoiding close contact within about six (6) feet of one another; and

WHEREAS, the State of Idaho has adopted the national guidelines on group guidelines and close contact, stated above, in order to stem the spread of COVID-19 in Idaho; and

WHEREAS, Southwest District Health announced the first confirmed case of COVID-19 in the Third Judicial District on March 20, 2020; and

WHEREAS, given the physical space limitations of the courthouses in the Third Judicial District, compliance with the above stated protocols is not possible when performing the processes necessary for conducting a jury trial and would pose a significant health and safety risk to prospective jurors, jurors, parties, witnesses, and other courthouse personnel; and

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, and to honor requests for excusal or postponement by requests by such persons; and

WHEREAS, the undersigned finds and determines that it would be irresponsible and futile to summon 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; it is,

ORDERED that jury trials currently scheduled to take place in the Third Judicial District on or before April 10, 2020 shall be postponed and rescheduled for a date after April 10, 2020, upon further order of the judge assigned to the affected case; and it is further,

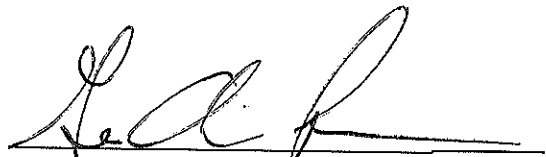
ORDERED that judges within the Third Judicial District shall review their dockets and promptly notify counsel of record in any affected case regarding the existence of this Order and the need to reset the trial date; and it is further,

ORDERED that the jury commissioner in each county of the Third Judicial District shall take the necessary action to effectuate this Order and notify jurors who have already been summoned not to appear during the period this Order is in effect; and it is further,

ORDERED that judges assigned to cases affected by this Order shall independently review such cases and timely schedule a hearing, where necessary, to reset the trial for the earliest date reasonably practicable under the circumstances then existing; and it is further,

ORDERED that, if a defendant who has not waived the right to speedy trial moves to dismiss based upon the failure of the state to provide a speedy trial, the assigned judge shall issue a separate order on the motion applying the factors set forth in Idaho Criminal Rule 28, adopted by the Idaho Supreme Court by Order dated March 18, 2020, and citing to this Order, if necessary.

Dated this 23 day of March, 2020.


George A. Southworth
Administrative District Judge
Third Judicial District

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