

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL  
DISTRICT IN AND FOR THE STATE OF IDAHO

IN RE: PRELIMINARY HEARINGS. )  
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 ) Administrative Order 2020-10  
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Pursuant to the Idaho Supreme Court order RE: Emergency Reduction in Court Services and Limitation of Access to Court Services dated April 22, 2020, establishing operations of the courts within the State of Idaho, and, after consultation with the judges in the Sixth Judicial District, the following order is issued regarding preliminary hearings:

**Non-custodial defendants:**

1. All contested preliminary hearings set for non-custodial defendants will follow the following protocol.
  - a. Counsel are required to follow the protocol outlined in paragraphs 3(a), (b) and (d) with regard to the requirements of meeting and notification to the court.
  - b. Counsel for the defendant are required to provide the defendant's email address to the court at least 24 hours prior to the hearing. If the defendant does not have the capability to appear through video conferencing then counsel must notify the court and arrange for the defendant to appear through a video kiosk in the County Courthouse
2. All non-custodial defendants who wish to waive their preliminary hearing will complete and sign a written waiver form at least 24 hours prior to the hearing date. This waiver shall be filed prior to the date and time set for the preliminary hearing. The magistrate shall accept the written waiver without further hearing and bind the case over to the District Court.

**In-custody defendants:**

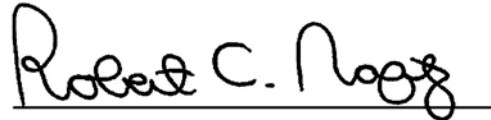
3. Unless an in-custody defendant waives their right to have their preliminary hearing beyond the 14-day requirement, the hearing will proceed as scheduled.
  - a. Prosecutors and defense attorneys are ordered to **meet and confer** at least **48 hours** prior to the scheduled preliminary hearing.
  - b. Defense attorneys **shall notify** the court at least **24-hours** in advance of the hearing whether the preliminary hearing will be waived or contested.

- i. Failure to timely notify the court or failure to file the written waiver/stipulation to continue prior to the date and time set for preliminary hearing may result in the magistrate finding that extraordinary circumstances exist that require the continuance of the hearing.
- c. If the in-custody defendant chooses to waive his right to a preliminary hearing, through written waiver, the magistrate shall accept the waiver without further hearing and bind the case over to the District Court.
- d. If the defendant chooses to contest the preliminary hearing then all parties will appear by video or telephone, with the exception of witnesses and the defendant who are required to appear by video.

This Order does not otherwise limit the Magistrate's exercise of discretion with regard to preliminary hearings.

IT IS SO ORDERED.

DATED this 12<sup>th</sup> day of May, 2020.

A handwritten signature in black ink that reads "Robert C. Naftz". The signature is written in a cursive style and is positioned above a horizontal line.

ROBERT C. NAFTZ  
District Judge

cc:

All Sixth District Prosecuting Attorneys  
All Sixth District Criminal Defense Attorneys  
All Sixth District Judges  
Kerry Hong, Sixth Judicial District Trial Court Administrator  
Idaho Supreme Court