

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

RE: ORDER PROHIBITING
COMMENCEMENT OF JURY TRIALS IN
CERTAIN COUNTIES IN THE SIXTH
JUDICIAL DISTRICT

ADMINISTRATIVE ORDER
2020-16

WHEREAS, pursuant to Idaho Code section 1-907, the Administrative District Judge is charged with arranging or supervising the calendaring of matters for trial or hearing and determining which sessions of the district court shall be jury sessions; and

WHEREAS, the Idaho Supreme Court Order, “In Re: Emergency Reduction in Court Services and Limitations of Access to Court Facilities,” dated April 22, 2020, precluded the commencement of jury trials in criminal cases before August 3, 2020 and provided that, “the Administrative District Judge has the discretion to impose restrictions and limitations on the manner in which courthouses and courtrooms are used, including restrictions and limitations on in-person proceedings;” and

WHEREAS, the Idaho Supreme Court’s Order, “In Re: Jury Trials,” dated July 24, 2020, requires that, “no jury trial shall commence in a criminal case before September 14, 2020, and in a civil case before December 1, 2020,” and keeps the Idaho Supreme Court’s Order, “In Re: Emergency Reduction in Court Services and Limitations of Access to Court Facilities,” dated April 22, 2020, in full force and effect except to the extent modified by the July 24, 2020 order; and

WHEREAS, the Administrative District Judge has the discretion to prohibit the commencement of jury trials in any county in the Sixth Judicial District upon finding that circumstances exist that pose a substantial increase in the health or safety risks to jury trial participants; and

WHEREAS, the Administrative District Judge finds the following:

1. COVID-19 is easily transmitted, especially in indoor group settings.
2. Social distancing, available protective equipment, and sanitation can reduce but not eliminate the transmission of COVID-19.
3. Conducting jury trials would pose a substantial increase in the health and safety risks to jury trial participants in counties experiencing any or all of the following:
 - a. Increased trend in active COVID -19 cases over the last 21 days.
 - b. Active COVID-19 cases at or above, “Moderate Risk Level,” as established by the Southeastern Idaho Public Health District Regional Response Plan for 3 days in a row, based upon the last 3 days for which reporting is available.
 - c. Active COVID-19 cases at or above, “High Risk Level,” as established by the Southeastern Idaho Public Health District Regional Response Plan for 3 days in a row, based upon the last 3 days for which reporting is available.
 - d. Designation of a county under the Southeastern Idaho Public Health District Regional Response Plan as, “Moderate Risk Level,” or “High Risk Level.”

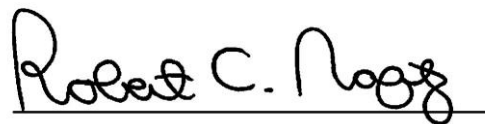
4. The Southeastern Idaho Public Health District data shows an increasing trend of active COVID-19 cases between August 1, 2020 and September 9, 2020 for the following counties in the Sixth Judicial District:
 - a. Bannock
 - b. Bear Lake
 - c. Caribou
 - d. Franklin
 - e. Power
5. The Southeastern Idaho Public Health District data shows active case numbers at or above, "Moderate Risk Levels," for the last 3 dates for which reporting was available (9/5/20, 9/8/20, 9/9/20) and/or has designated the following counties at, "Moderate Risk Level":
 - a. Bannock
 - b. Bear Lake
 - c. Caribou
 - d. Power
6. The Southeastern Idaho Public Health District data shows active case numbers at or above, "High Risk Levels," for the last 3 dates for which reporting was available (9/5/20, 9/8/20, 9/9/20) for the following county:
 - a. Power

Based upon these findings and in the exercise of my discretion as Administrative District Judge for the Sixth Judicial District, no jury trial shall commence September 14, 2020 through September 18, 2020 in the following counties in the Sixth Judicial District, subject to any superseding order of the Idaho Supreme Court:

1. Bannock
2. Bear Lake
3. Caribou
4. Franklin
5. Power

IT IS SO ORDERED.

Dated this 10th day of September 2020.



ROBERT C. NAFTZ
Administrative District Judge
Sixth Judicial District

cc: Sara Omundson, Administrative Director of the Courts
All Sixth Judicial District Judges
Trial Court Administrator, Sixth Judicial District
All Sixth District County Clerks
All Sixth District Jury Commissioners