

FILED

A.M. 12:00 P.M.

MAR 08 2020

ANGELA BARKELL CLERK

Deputy Clerk

**IN THE DISTRICT COURT FOR THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO
COUNTY OF OWYHEE**

**In Re: Commencement of Jury)
Trials in Owyhee County, Week of) Administrative Order
March 15, 2021) 2021-04**

WHEREAS, on February 3, 2021, the Idaho Supreme Court issued its ORDER RE: COMMENCEMENT OF JURY TRIALS AND GRAND JURY IMPANELMENT (“ORDER”) authorizing the resumption of jury trials and impaneling grand juries in the courts of the State of Idaho commencing March 1, 2021, subject to certain exceptions; and

WHEREAS, the ORDER provides that “jury proceedings may commence anytime during a calendar week unless the Administrative District Judge has determined that” the county in which a prospective juror has been summoned to attend court has a seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 that is either:

1. 25.0 or greater per 100,000 population; OR
2. Between 14.0 and 24.9 per 100,000 population with an upward or increasing 14-day trend as reflected by the Seven-Day Moving Average Incidence Rate on the Cases by County page of the Idaho Department of Health and Welfare’s COVID-19 Dashboard (for purposes of the ORDER, an “upward trend occurs when the seven-day moving average incidence rate for the Thursday of the relevant reporting week is higher than the seven-day moving average incidence rate for the prior Thursday); and

WHEREAS, the above determinations shall be based on the weekly COVID-19 incident rates published ten (10) days prior to the calendar week in which the jury trial is scheduled to occur, as reflected in the weekly publication of COVID-19 Incident Rates provided to the Administrative District Judges and Trial Court Administrators on Friday mornings of each week; and

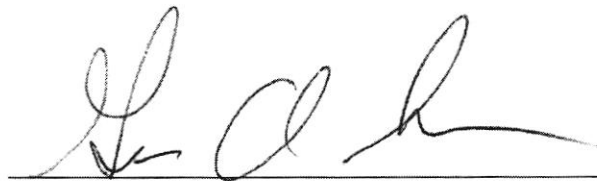
WHEREAS, the ORDER provides: "If this order or any previous orders of this Court result in any delay in the commencement of jury trials due to COVID-19, the time used to calculate the right to a speedy trial pursuant to I.C. § 19-3501 shall be deemed to have been tolled by said order;"; and

WHEREAS, after consulting the above resources on Friday, March 5, 2021, the undersigned has determined that the following county in the Third Judicial District has a seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 (as reflected on the attached Report) that precludes the commencement of jury trials the week of March 15, 2021:

Owyhee County: Rate of 15.7 on March 4, 2021 against a rate of 7.2 on February 25, 2021;

IT IS HEREBY ORDERED that no jury trial shall commence in Owyhee County the week of March 15, 2021.

Dated this 5th day of March, 2021.

A handwritten signature in black ink, appearing to read 'G. A. Southworth', written over a horizontal line.

George A. Southworth
Administrative District Judge
Third Judicial District

Attachment

Cc: Administrative Office of the Courts
Hon. Davis VanderVelde
Hon. Andrea Courtney
Hon. Shane Darrington
Angie Barkell, Owyhee County Clerk
Brook Russell, Owyhee County Jury Commissioner

COVID-19 Incidence Trends for Jury Trial Considerations

For the week of March 5, 2021 (February 25-March 4)

| | | 7-Day Moving Average Incidence Rate | | Trend | Jury Trials Allowed |
|------------------|------------|-------------------------------------|--------------|----------|---------------------|
| County | | Prior Week | Current Week | | |
| First District | Benewah | 58.4 | 27.7 | Downward | No |
| | Bonner | 10.6 | 12.5 | Upward | Yes |
| | Boundary | 23.3 | 5.8 | Downward | Yes |
| | Kootenai | 15.9 | 14.0 | Downward | Yes |
| | Shoshone | 10.0 | 12.2 | Upward | Yes |
| Second District | Clearwater | 11.4 | 6.5 | Downward | Yes |
| | Idaho | 2.6 | 4.3 | Upward | Yes |
| | Latah | 28.1 | 24.2 | Downward | Yes |
| | Lewis | 0.0 | 14.9 | Upward | No |
| | Nez Perce | 6.0 | 7.1 | Upward | Yes |
| Third District | Adams | 20.0 | 0.0 | Downward | Yes |
| | Canyon | 11.6 | 12.1 | Upward | Yes |
| | Gem | 7.1 | 5.5 | Downward | Yes |
| | Owyhee | 7.2 | 15.7 | Upward | No |
| | Payette | 2.4 | 5.4 | Upward | Yes |
| Fourth District | Washington | 2.8 | 5.6 | Upward | Yes |
| | Ada | 20.2 | 11.5 | Downward | Yes |
| | Boise | 10.9 | 3.6 | Downward | Yes |
| | Elmore | 11.9 | 9.9 | Downward | Yes |
| | Valley | 6.3 | 7.5 | Upward | Yes |
| Fifth District | Blaine | 13.0 | 17.4 | Upward | No |
| | Camas | 0.0 | 12.9 | Upward | Yes |
| | Cassia | 9.5 | 6.5 | Downward | Yes |
| | Gooding | 10.4 | 1.9 | Downward | Yes |
| | Jerome | 8.8 | 8.8 | Stable | Yes |
| Sixth District | Lincoln | 2.7 | 8.0 | Upward | Yes |
| | Minidoka | 6.1 | 4.8 | Downward | Yes |
| | Twin Falls | 9.7 | 5.9 | Downward | Yes |
| | Bannock | 20.5 | 14.2 | Downward | Yes |
| | Bear Lake | 14.0 | 14.0 | Stable | Yes |
| Seventh District | Caribou | 10.0 | 6.0 | Downward | Yes |
| | Franklin | 10.3 | 9.3 | Downward | Yes |
| | Oneida | 9.5 | 9.5 | Stable | Yes |
| | Power | 3.7 | 7.4 | Upward | Yes |
| | Bingham | 14.3 | 24.7 | Upward | No |
| | Bonneville | 29.9 | 35.6 | Upward | No |
| | Butte | 5.5 | 11.0 | Upward | Yes |
| | Clark | 0.0 | 0.0 | Stable | Yes |
| | Custer | 3.3 | 13.2 | Upward | Yes |
| | Fremont | 19.6 | 28.4 | Upward | No |
| | Jefferson | 24.9 | 22.5 | Downward | Yes |
| | Lemhi | 5.3 | 10.7 | Upward | Yes |
| | Madison | 56.2 | 32.2 | Downward | No |
| | Teton | 15.3 | 25.9 | Upward | No |

This report provides COVID-19 7-day moving average incidence rates for each county to be considered by court administrators to determine whether jury trials are allowed to occur during the upcoming week. Data in this report show the incidence rates on Thursday of the current and prior week. The information here reflects what is reported on the Department of Health and Welfare's website between 5:00 p.m. on Thursday and 8:00 a.m. on Friday of the current week. Data on the website are subject to change and may not reflect the information in this report.