

**IN THE TRIAL COURTS FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT**

**In the Matter of:**

**The Suspension of Jury Trials and Grand  
Jury Proceedings**

**First Judicial District.**

**PRESIDING JUDGE ADMINISTRATIVE ORDER 21-25**

On September 20, 2021, the Chief Justice of the Alaska Supreme Court issued Order 8333, outlining a list of factors the presiding judges are to consider when deciding whether to restrict or suspend in-person jury trials. The Order directs that once a particular community's COVID-19 alert level reaches "Substantial" or "High," as designated by the Alaska Department of Health and Social Services (DHSS), or if the number of reported cases per 100,000 persons over the past seven days reaches 50 or greater, the presiding judge must consider restricting in-person jury trials. The Order requires the presumptive suspension of jury trials in any court location when the number of reported cases per 100,000 over the past 7 days reaches 100 or more.

By Presiding Judge Administrative Order 21-24, jury trials were suspended through October 15, 2021. The order provided that the suspension would be reviewed on or before October 11, 2021.

As of October 11, 2021, DHSS calculated the number of reported cases per 100,000 residents over the past 7 days in the following locations in the First Judicial District as

follows:<sup>1</sup>

Juneau	472.1
Haines	357.1
Petersburg	501.7
Sitka	269.9
Yakutat	1,132.9
Ketchikan	460.6

In accordance with Chief Justice Special Order 8333, jury trials in the First Judicial District, everywhere but Prince of Wales Island,<sup>2</sup> will remain suspended through October 29, 2021.<sup>3</sup> If it is necessary to continue the suspension, an order will be issued to that effect on October 19, 2021. During this suspension, the time for trial will continue to be tolled under Alaska Criminal Rule 45(d).<sup>4</sup>

As to Prince of Wales Island, given the mitigation measures the Alaska Court System has in place and that community's current court case counts, jury trials may resume. Trials must be conducted in accordance with Chief Justice Special Order 8259 and 8194 at sections C

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<sup>1</sup> See Table 2c, Geographic Distribution of Case Rates, at column K (Case Rate (Last 7 Days)): <https://coronavirus-response-alaska-dhss.hub.arcgis.com/search?categories=summary%20tables&groupIds=41ccb3344ebc4bd682c74073eba21f42>.

<sup>2</sup> The 7-day case rate average was not reported for Skagway, Wrangell, or Prince of Wales Island, given a lack of reliable data. DHSS did report the case rate average over the last 14 days for each of those community as 43.6, 33.0, and 19.9, respectively. Under previous orders, the presiding judges of each judicial district were directed to limit or suspend jury trials and in-person grand jury proceedings for any location if the average daily case rate over 14 days as reported by the Alaska Department of Health and Social Services rose above 20-30 cases per 100,000 population. Using that standard, Prince of Wales Island now falls under the threshold for suspending trials.

<sup>3</sup> Chief Justice Special Order 8333 requires the presiding judge to review any order suspending trials every 14 days.

<sup>4</sup> Supreme Court Order 1974.

and D.<sup>5</sup> In addition, all visitors to the courthouse – including jurors – must comply with Chief Justice Special Order 8310.

As to grand jury, the presiding judges are directed to consider suspending proceedings in any location where the court location is at a “Substantial” or “High” alert level and the cases per 100,000 over the last 7 days is between 50 – 100.<sup>6</sup> Given the current case rates and alert levels in Ketchikan, Sitka and Juneau,<sup>7</sup> grand jury proceedings will remain suspended in the First Judicial District through October 22, 2021. This suspension will be reviewed weekly. Finally, the time limit for preliminary examination under Alaska Criminal Rule 5(e) is extended through November 22, 2021.<sup>8</sup>

Dated at Juneau, Alaska on October 12, 2021.



Amy Mead  
Presiding Judge  
First Judicial District



Distribution: Chief Justice Daniel Winfree; Stacey Marz, Administrative Director; First District Judges; First District Magistrates; First District Clerks of Court; Lesa Robertson, Executive Administrator; James Kwon, ACA; Clayton Jones, Rural Court Training Assistant; SBA; JBA; KBA; Juneau District Attorney’s Office, Public Defender Agency, and Office of Public Advocacy; Sitka District Attorney’s Office, Public Defender Agency, and Office of Public Advocacy; Ketchikan District Attorney’s Office, Public Defender Agency, and Office of Public Advocacy; CBJ Law Department and Public Defender; Court Rules Attorney; Office of Special Prosecutions.

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<sup>5</sup> Chief Justice Special Order 8331.

<sup>6</sup> Chief Justice Special Order 8234 and 8331.

<sup>7</sup> The current alert level in the City and Borough of Juneau is “3.” At this alert level, the municipality recommends that indoor gatherings be limited to 20 people. Grand jury proceedings typically involve 21 people – 18 jurors, a prosecutor, a witness, and a court clerk.

<sup>8</sup> Supreme Court Order 1957.