

IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8398

Update regarding COVID-19 and Presumptive Jury Trial Sites

During the pandemic, the chief justice issued three special orders – 8259, 8289, and 8290 - regarding the need to relocate some presumptive jury trial sites due to social distancing related size restrictions in courtrooms.¹ On March 31, 2022, the chief justice issued another special order 8394 providing that the presumptive trial sites could be used when the Alaska Department of Social Services (DHSS) alert levels fall below the “high” level for two consecutive weekly readings. After the issuance of that order, DHSS introduced Community Case Rates² as a tool to complement the Centers for Disease

¹ For misdemeanor trials, this included:

- Angoon trials would occur in Sitka;
- Hoonah and Yakutat would occur in Juneau;
- Kake trials would occur in Petersburg;
- Unalakleet trials would occur in Nome; and
- St. Paul and Sand Point trials would occur in Anchorage.

For felony trials, this included:

- Petersburg trials would occur in Ketchikan;
- Wrangell trials would occur in Ketchikan;
- Naknek trials would occur in Dillingham;
- Cordova and Glennallen trials would occur in Valdez;
- Unalaska trials would occur in Anchorage or Dillingham;
- Seward trials would occur in Kenai;
- Delta Junction trials would occur in Fairbanks; and
- Tok trials would occur in Fairbanks.

² Community Case Rates are calculated for each borough/census area and reflect new COVID-19 cases reported in the past 7 days per 100,000 residents. See <https://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/alertlevels.aspx#DHSS>.

Control and Prevention's (CDC) Community Levels.³ The chief justice also issued special order [8397](#) updating the visitor health precautions to use the CDC Community Level to determine if masking and social distancing are required in courthouses. Going forward, this order provides that the CDC Community Level is the appropriate tool to determine if a presumptive trial site can be used.


IT IS ORDERED:

1. When the CDC COVID-19 Community Level alert levels come down below the high level after two consecutive weekly readings, courthouses in the communities listed in footnote 1 may be used as presumptive trial sites, provided that jurors and courtroom participants can comply with Order [8397](#). This means that if the CDC COVID-19 Community Level is:
 - a. "medium," all visitors must wear masks or socially distance from others. For jury trials, depending on courtroom size, the judge will determine if:
 - (1) all courtroom participants will wear masks and do not need to socially distance from others, or
 - (2) no courtroom participants will wear masks but must socially distance at least six feet from others; or
 - (3) some participants will wear masks but others will socially distance (this means some jurors may be masked in the jury box but others may feel more comfortable sitting socially distanced if the courtroom size can accommodate that arrangement); and
 - b. "low," jurors and courtroom participants do not have to mask or socially distance from others, but masking may be done voluntarily.
2. Jury trials already scheduled at a specific court location when this order is issued will remain at the scheduled location.

³ CDC adopted COVID-19 Community Levels, a tool to help communities decide what prevention steps to take based on the latest data. See www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html.

3. Regardless of the CDC COVID-19 Community Level, the presiding judge has discretion to continue to suspend a location as a trial site based on local conditions or courtroom specific issues.

DATED: April 22, 2022



Daniel E. Winfree
Chief Justice

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