

IN THE TRIAL COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

IN THE MATTER OF:

Suspension of Fairbanks and Interior
Criminal Jury Trials Through
1/09/2022

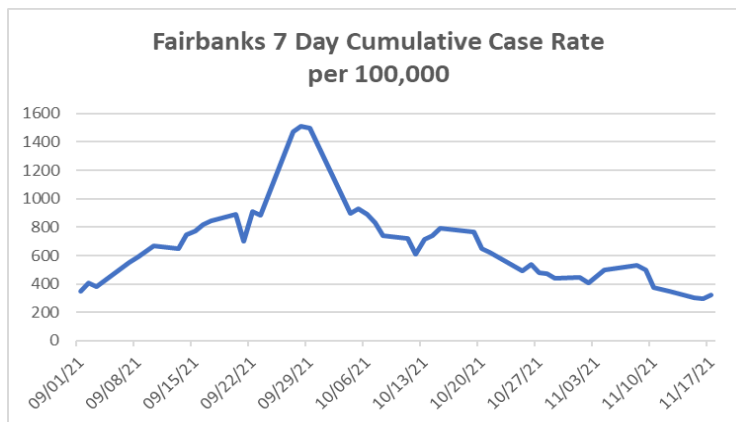
CORRECTED

Presiding Judge's Administrative Order
21- 18D

**PRESIDING JUDGE'S ORDER SUSPENDING CRIMINAL JURY TRIALS, RESUMING
GRAND JURY, AND TEMPORARILY SUSPENDING RULE 5(e)(4) AT FAIRBANKS
AND INTERIOR VILLAGES¹**

As of the date of this order, the Alaska DHSS case rates for the Fairbanks Region are as follows: The average daily case rate for the last 14 days per 100,000 residents is 49.7. The total number of cases over the last 7 days per 100,000 is 322.2.² DHSS has recorded 30 COVID related deaths in statewide since PJO 21-18C was issued suspending trials through November 30, 2021.

The most recent hospital survey conducted by DHSS indicates 448 inpatient beds available across the state with 43 ICU beds available. The interior region currently has 16 ICU beds available. The 7-day test positivity rate for Fairbanks is at 10.8% with 2,127 tests given in the last week, or about 2.2% of the Borough population tested.³ Vaccination rates in the Greater Fairbanks area are around 51.5% fully vaccinated. Jury trials and Grand Jury in Fairbanks are currently scheduled to commence on December 1, 2021.



¹ "Interior Villages" includes Nenana, Delta Junction, Fort Yukon, Tok, and Galena.

² At the time of PJO 21-18C, the numbers were an average of 109.6 cases per 100,000 over 14 days and 794.6 per 100,000 cumulative over 7 days. The current case rate constitutes a significant drop in case rates.

³ The number of individuals tested continues to drop in Fairbanks as does the test positivity rate.

The circumstances requiring the suspension of grand jury and jury trials as outlined and explained in Presiding Judge's Order 21-18 and as mandated by Chief Justice Order 8333⁴ continue to require the suspension of jury trials as of the date of this order.

The continuing downward trajectory of COVID numbers at Fairbanks does allow for the resumption of grand jury proceedings, which are much more controlled proceedings that can be conducted with more remote participants and with significantly less risk associated with in-person jury selection and jury trial management.

Per CJ Order 8259(4) trials may be permitted during this general suspension by order of the presiding judge. Given the current case numbers and the excellent facilities and mitigation procedures available at Fairbanks, **motions to permit jury trial in individual cases at Fairbanks will generally be granted** unless COVID-19 7-day cumulative case numbers rise significantly or the Presiding Judge finds that the specific case cannot proceed "consistent with public health" looking to the factors outlined in CJ Order 8259(5).

Jury trials are hereby suspended at Fairbanks and all interior villages through January 9, 2022. Rule 45 is hereby tolled for the period of this suspension.

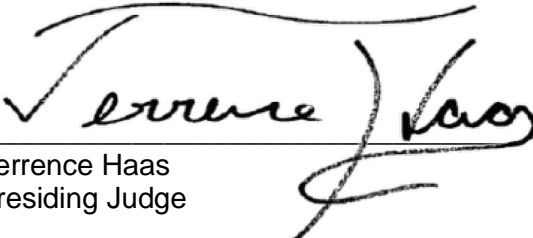
Grand Jury shall resume on December 1, 2021. The calculation of the deadline for convening preliminary examination per Criminal Rule 5(e)(4) shall be tolled through January 9, 2022.

No further general criminal jury trial suspensions are anticipated for the Fourth District beyond the expiration of this PJ Order. Parties, lawyers, agency staff, court staff, and judges in the Fourth District should anticipate a general resumption of criminal jury trials in an orderly fashion upon the expiration of this suspension order.

IT IS SO ORDERED.

Dated this 19th Day of November, 2021 at Bethel, Alaska.

Distributed via email:
Chief Justice
Administrative Director's Office
4th District Area Court
Administrator's Office
Fairbanks Everyone
Fairbanks Clerk of Court
Fairbanks DAO
Fairbanks PDA
Fairbanks OPA Offices


Terrence Haas
Presiding Judge

⁴ The current CJ Order mandates general suspension at **100 per 100,000 residents** over 7 days.