

IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8259

Update regarding COVID-19 and Criminal Jury Trials

On March 1, 2021, Chief Justice Order No. 8242 allowed misdemeanor jury trials to resume on April 19 and required felony jury trials to remain generally suspended. Since that time, COVID-19 case counts have increased somewhat, but have not returned to the extremely high levels experienced in November and December 2020. The state remains at a high alert level, but four regions of the state are at intermediate alert status with moderate transmission, and two regions are at low alert with minimal transmission. In the meantime, the presiding judges have granted jury trials in select cases, and the district courts are generally ready to begin misdemeanor jury trials as scheduled. This experience should allow courts to begin to schedule lower-level felony jury trials as long as the presiding judges retain the option to limit or suspend jury trials when required. Therefore, under the authority of Supreme Court Order No. 1957,

IT IS ORDERED:

1. As previously ordered, misdemeanor jury trials may resume on April 19, 2021 under the direction of the presiding judge. Class B and class C felony trials may resume on June 1, 2021 under the direction of the presiding judge.
2. The presiding judge may limit or suspend misdemeanor or felony jury trials for any district or location when required for public health or to comply with local health mandates. The presiding judge should consider a suspension when the average daily case rate over 14 days as reported by the Alaska Department of Health and Social Services rises above 20-30 cases per 100,000 population or the local risk level is otherwise seriously elevated.

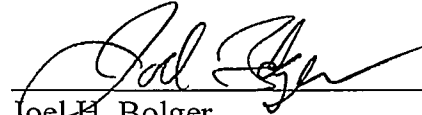
3. Class A and unclassified felony jury trials remain generally suspended until at least July 6, 2021. The continuation of this suspension will be reviewed on or shortly after April 30, 2021. For all criminal cases, the period of delay from March 16, 2020 through July 31, 2021 is excluded in computing the time for trial under Alaska Criminal Rule 45(d). After July 31, the time for trial will continue to be tolled for the time necessary to permit an orderly transition and scheduling.
4. The presiding judge may allow a jury trial or a class of jury trials during a period of general suspension when consistent with public health. A party may request such an order by making a motion to the trial court. In response to a party's request, the assigned trial court judge shall make findings on all relevant factors and submit a recommendation to the presiding judge for decision.
5. The presiding judge should consider the following factors to determine whether to grant a jury trial or a class of jury trials during a period of suspension:
 - a. The requests of the parties and victim(s);
 - b. The age of the case;
 - c. Whether the defendant is in custody;
 - d. The classification of any charged offense(s);
 - e. The number of other required participants, including victims, custodial officers, interpreters, investigators, or other lawyers;
 - f. The facilities available for the trial or proceeding;
 - g. The prejudice suffered by any party;
 - h. The defendant's access to counsel;
 - i. Any special transportation requirements;
 - j. Any local quarantine requirements or other health mandates;
 - k. The COVID-19 case counts and risk levels for the area or location;
and
 - l. Any special health considerations for the trial participants.

The presiding judge and the assigned trial judge may use these same factors to determine the priority of felony and misdemeanor cases scheduled for trial.

6. Jury trials shall be conducted in accordance with the guidance set out in the Alaska Court System Conducting Criminal and Civil Jury Trials, and Grand Jury During the COVID-19 Pandemic (<https://public.courts.alaska.gov/web/covid19/docs/conducting-trials-gj-pandemic.pdf>)
7. Some presumptive district court trial sites do not have a courtroom large enough to accommodate a misdemeanor jury trial with appropriate social distancing. Jury trials assigned to the following trial sites will be temporarily relocated unless court administration can obtain an alternate local facility large enough to accommodate a misdemeanor jury trial:
 - a. Angoon trials will be held in Sitka;
 - b. Hoonah and Yakutat trials will be held in Juneau;
 - c. Kake trials will be held in Petersburg;
 - d. Unalakleet trials will be held in Nome;
 - e. St. Paul and Sand Point trials will be held in Anchorage;
 - f. Naknek trials will be held in Dillingham;
 - g. Fort Yukon trials will be held in Fairbanks.
8. Similarly, the following presumptive felony trial sites will be temporarily relocated unless court administration can obtain an alternate public facility:
 - a. Petersburg trials will be held in Ketchikan;
 - b. Sitka trials will be held in Juneau;
 - c. Wrangell trials will be held in Ketchikan;
 - d. Naknek trials will be held in Dillingham;
 - e. Cordova and Glennallen trials will be held in Valdez;
 - f. Unalaska trials will be held in Anchorage or Dillingham;
 - g. Seward trials will be held in Kenai;
 - h. Delta Junction trials will be held in Fairbanks.
9. The following locations listed in Administrative Bulletin 27 will not be available as additional trial sites (Angoon, Haines, Kake, Pt. Hope, Unalakleet, St. Paul, and Sand Point).

10. The trial judge may expand the jury selection area to provide a representative cross-section of the appropriate community as provided in Administrative Rule 15(h)(3).

DATED: April 6, 2021



Joel H. Bolger
Chief Justice

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