

IN THE TRIAL COURTS FOR THE STATE OF ALASKA  
SECOND JUDICIAL DISTRICT

In Re: Outlining the Procedure for Granting ) Presiding Judge  
In-person Jury Trials Due to Decrease in ) Administrative Order No. 21-03  
COVID-19 Cases in the Second Judicial District )  
\_\_\_\_\_ )

**ORDER OUTLINING PROCEDURE FOR GRANTING  
IN-PERSON CRIMINAL JURY TRIALS**

Special Order of the Chief Justice No. 8235 issued February 8, 2021, grants the presiding judge of a judicial district authority to resume in-person jury trials upon a request consistent with public health.

Within the past few days, the Alaska Department of Health and Social Services has reported that the Northwest Region, which includes all the courts within the Second Judicial District, has a 14-day moving average of only 6.51 cases per 100,000.<sup>1</sup> This means cases have reduced to the point that the COVID alert level for the Northwest Region is no longer “Red”. The Northwest region has achieved a high percentage of coronavirus vaccinations with some communities exceeding 30%.<sup>2</sup> Additionally, many local schools have in-person student instruction with several high school sports teams holding in-person practices.

These circumstances represent progress in the reduction of coronavirus cases that have allowed the return of community group activities across the region. Therefore, in-person criminal jury trials may resume in Kotzebue, Nome<sup>3</sup>, and Utqiagvik subject to the procedure below.

**IT IS THEREFORE ORDERED THAT:**

- 1. Criminal jury trials remain generally suspended until at least April 19, 2021.<sup>4</sup>**  
The period of delay until May 17, 2021 is excluded from computing Criminal Rule 45(d). After May 17, the time for trial will continue to be tolled for the time necessary to permit an orderly transition and scheduling.
- 2. However, beginning March 15, 2021, a party may request the assigned trial court judge recommend to the presiding judge that an in-person criminal jury trial consistent with public health be held. Factors to be considered include:**

<sup>1</sup> DHSS case count summary from February 10, 2021.

<sup>2</sup> 40% of Nome-region residents and 50% of Kotzebue residents have been vaccinated as of February 8, 2021.

<sup>3</sup> Trials that would have been held in Unalakleet will be held in Nome.

<sup>4</sup> Special Order of the Chief Justice No. 8235 (corrected), issued February 8, 2021.

- 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. 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 parties' agreements to jury selection procedures that promote the safety of the proceeding such as a reduced jury size, ~~videoconference-jury-selection~~<sup>5</sup>, or a reduction in peremptory challenges;
  - h. the prejudice suffered by any party;
  - i. the defendant's access to counsel;
  - j. any special transportation requirements;
  - k. any local quarantine requirements or other health mandates;
  - l. the COVID-19 case counts and risk levels for the area or location; and
  - m. any special health considerations for the trial participants.
3. The presiding judge and the assigned trial court judge may use the above factors to determine the priority of cases scheduled for trial. The presiding judge may approve a request for a jury trial, or a portion of a jury trial, to be conducted by videoconference by agreement of the parties. Jury trials shall be conducted in accordance with Alaska Court System COVID-19 and local safety protocols.<sup>6</sup>

**IT IS SO ORDERED.**

Dated at Kotzebue, Alaska this 12<sup>th</sup> day of February 2021.



PAUL A. ROETMAN  
Presiding Judge  
Second Judicial District

---

<sup>5</sup> Videoconference jury selection is not available in the Second Judicial District due to resource restrictions.

<sup>6</sup> The Second Judicial District has developed COVID safety protocols that are available at the local courthouse.