

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

IN THE MATTER OF:

Suspension of Bethel Jury Trials
Through January 9, 2022

CORRECTED

Presiding Judge's Administrative Order
21-16D

PRESIDING JUDGE'S ORDER SUSPENDING JURY TRIALS FOR BETHEL¹

As of the date of this order, the Alaska DHSS case rates for the Bethel Census Area are as follows. The average daily case rate for the last 14 days per 100,000 residents of the census area is 121.1. The total number of cases over the last 7 days per 100,000 residents of the census area is 705.2.² YKHC has recorded a total of 8 deaths from the YK Region since Presiding Judge's Order 21-16C was issued on October 17, 2021.

The most recent hospital survey conducted by DHSS indicates 451 inpatient beds available across the state with 36 ICU beds available. The local hospital does not provide an ICU unit. The 7-day test positivity rate is at 9.1% with 943 tests given in the last week. The local hospital's COVID numbers, available at <https://www.ykhc.org/covid-19/covid-news/>, show 180 current active cases.³ The first jury trials scheduled as of the date of this order would have begun December 2, 2021.

The circumstances requiring the suspension of trials as outlined and explained in Presiding Judge's Order 21-16 as well as the requirements in Chief Justice Order 8333⁴ require the continued suspension of jury trials in Bethel as there is no alternative set of restrictions that will allow trials to be held in the Bethel Courthouse with an acceptable level of risk.

Per CJ Order 8259(4) trials may be permitted during this general suspension by order of the presiding judge. Given the current case numbers, the facilities available at the Bethel courthouse, and the presence of staff and judges experienced in mitigation, **motions to permit jury trial in individual cases at Bethel will generally be granted** unless COVID-19 7-day cumulative case numbers rise significantly or the Presiding

¹ "Bethel" includes the District Court trial sites at Aniak and Emmonak.

² Compared to the rate when PJ Order 21-16C was issued the 14-day daily average is down from 173.9 while the 7-day cumulative rate is down from 1,119.3.

³ This is a steep decline from the 478 active cases at the time that PJ Order 21-16C was issued.

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

Judge finds that the specific case cannot proceed “consistent with public health” looking to the factors outlined in CJ Order 8259(5).

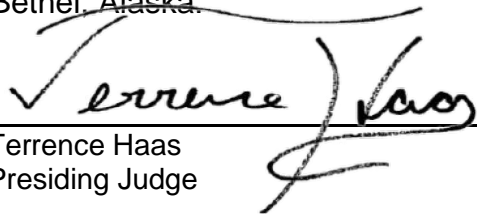
Jury trials are hereby suspended at Bethel through January 9, 2022. Rule 45 is hereby tolled for the period of this suspension.

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 1st Day of December, 2021 at Bethel, Alaska.

Effective November 30, 2021.



Terrence Haas
Presiding Judge

Distributed via email:
Chief Justice
Administrative Director's Office
4th District Area Court Administrator's Office
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