IN THE SUPREME COURT OF THE STATE OF ALASKA

SPECIAL ORDER OF THE CHIEF JUSTICE

ORDER NO. 8202

Update regarding COVID-19 and Jury Trials

Order No. 8194 allowed misdemeanor trials to resume on November 2, 2020 under the direction of the presiding judge. This order responded to the interests of criminal defendants, victims, and the general public in prompt disposition of criminal charges. This order also reflected that judges and court staff have developed procedures designed to reduce the risk of exposure for grand jury proceedings and other hearings. But since that order, the average daily case counts have continued to climb. This order is intended to clarify Order No. 8194 to allow presiding judges to limit or suspend misdemeanor trials to address local public health concerns. Therefore, under the authority of Supreme Court Order No. 1957,

IT IS ORDERED:

1. Misdemeanor trials may resume on November 2, 2020 under the direction of the presiding judge. The presiding judge may limit or suspend misdemeanor trials as necessary to address local public health concerns or other relevant factors.

2. The presiding judge should strongly consider whether to limit or suspend misdemeanor trials in any district or community where the average daily case rate is greater than 20-25 cases per 100,000 population as reported in the daily Case Count Summary from the Alaska Department of Health and Social Services.

3. Presiding judges and trial judges may consider the following factors to determine the priority for jury trials:

    a. The requests of the parties;
    b. The age of the case;
    c. Whether the defendant is in custody;
    d. The classification of the charged offense(s);
    e. The number of other required participants, including victims, custodial officers, interpreters, investigators, or other lawyers;

f. The facilities available for trial;
g. The defendant's access to counsel;
h. Any special transportation requirements;
i. Any local quarantine requirements or other health mandates.

4. Order No. 8194 remains effective as clarified by this order.

DATED: October 29, 2020

Joel H. Bolger
Chief Justice

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