

FOURTH JUDICIAL DISTRICT

**ADMINISTRATIVE ORDER
PERTAINING TO PILOT IN-
CUSTODY SPEEDY DEMAND
JURY TRIALS**

WHEREAS, on March 13, 2020, the Minnesota Governor Tim Walz declared a peacetime state of emergency pursuant to the issuance of Executive Order 20-01 due to the worldwide spread of COVID-19, also referred to as the Coronavirus; he has issued subsequent orders extending the peacetime state of emergency through June 12, 2020; and he has also issued stay at home orders that expired at 11:59 pm on May 17, 2020; and

WHEREAS, on May 13, 2020, Governor Walz issued Executive Order Np. 20-56, wherein he exempted the Judicial Branch from the limitation on the size of gatherings, and proceedings of the Judicial Branch may occur, subject to policies established by the Chief Justice pursuant to court order; and

WHEREAS, on May 15, 2020, the Minnesota Supreme Court Administrative Order ADM20-8001 was issued concerning the continuing operations of the courts of the state of Minnesota under the statewide peacetime declaration of emergency providing courthouses will remain open, promoting the use of social distancing and other mitigation factors for individuals within the courthouses and authorized pilot jury trials to begin on or after June 1, 2020, given the Judicial Branch is now in a transitional phase of operations; and

WHEREAS, Minn. R. Cr. P. 11.09 limits the time between a speedy felony trial demand and the commencement of trial to 120 days, absent exigent circumstances, which circumstances are present in the current peacetime state of emergency; and

WHEREAS, pursuant to Minn. Stat. § 484.69, subd. 3, the chief judge of the judicial district has general administrative authority over the courts in the judicial district; and

WHEREAS, preparations for a criminal jury trial take time, focus and advance notice; and

WHEREAS, the federal Center for Disease Control has recommended that social distancing continue in place for the foreseeable future; and

WHEREAS, the Court intends to use best efforts to follow social distancing techniques while continuing to make any jury trials held in Hennepin County District Court open to

the public; and

WHEREAS, the Court is vested with the right and obligation to preserve order and decorum in its courtrooms. Minn. R. Crim. P. 26.03; Minn. R. Gen. Prac. 2.01(a) and 2.02(e) and Rule 2.8 of the Code of Judicial Conduct.

Based on the foregoing, this Court makes the following:

ORDER

1. Pilot jury trials in the Fourth Judicial District shall be limited to in-custody criminal trials with speedy trial demands.
2. No more than four pilot (4) felony jury trials shall occur at any one time in the Hennepin County Government Center.
3. The pilot jury trials shall be generally prioritized in the following order: in-custody juveniles, and then the adult in -custody defendant waiting the longest time since demanding the speedy trial.
4. Pilot jury trials shall be scheduled to begin no sooner than June 1, 2020.
5. The Court shall use best efforts to follow recommended social distancing protocols and courtroom gallery seats shall be marked in accordance with those protocols. The Hennepin County Sheriff's Office is hereby authorized to control the number of people in the galleries of courtrooms where jury trials are in session, as set forth herein, and to bar or remove persons from the galleries of those courtrooms as necessary in compliance with this Order.
6. In addition to the jury, Court staff, prosecutors, defendant(s) and defense counsel, the following persons are authorized to enter the trial courtroom and be seated in the gallery: (i) immediate family of a defendant; (ii) the alleged victim and/or victim's family (and victim advocate); and (iii) representatives of the media. The gallery in each courtroom has been marked for seating in accordance with the six-foot distancing protocol. To the extent there is insufficient seating in the gallery for all persons interested in attending the trial due to the application of social distancing protocols, the District shall arrange to live-stream the proceedings in another courtroom.
7. For purposes of this Order, any media representative planning to attend a trial shall notify the Court's Public Information Officer, Spenser Bickett, at 612-801-7583 or

email at: Spenser.Bickett@courts.state.mn.us at least 24 hours in advance and be prepared to present proper media credentials to the deputies at the courtroom.

8. This Order supersedes the order issued on April 28, 2020, and shall remain in effect until July 6, 2020, or modified or extended by further Court Order.
9. Notwithstanding this Order, the presiding judge in any trial or related proceeding may make such further order, issued from the bench or by written order, as may be necessary or appropriate under the specific circumstances, to adopt other measures to protect the health and safety of persons in the courtroom in which they are presiding, and also retains authority to have any person removed from that courtroom based on violation of applicable Rules or existing policy of District Court, including the person's violation of required courtroom decorum.

Dated: May 22, 2020

BY THE COURT:

Ivy S. Bernhardson
Chief Judge
Fourth Judicial District