

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS**

COUNTY ADMINISTRATIVE ORDER 2021-1

Whereas, on March 17, 2020, the Illinois Supreme Court entered an Order - In re: Illinois Court's Response to COVID-19 Emergency, M.R. 30370. It allowed courts to modify or suspend any deadlines and procedures, whether prescribed by local rule or order, in criminal matters. Further, it allowed courts to take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

Whereas, on March 20, 2020, the Governor of the State of Illinois issued a "stay at home" order requiring that Illinois residents remain in their homes except for essentials.

Whereas, on March 20, 2020, the Chief Judge of the Illinois Sixth Judicial Circuit entered Administrative Order 2020-01, Emergency Order – COVID -19, mandating that only essential hearings and proceedings be held within the Circuit, including Champaign County.

Whereas, on March 24, 2020, the Chief Judge of the Illinois Sixth Judicial Circuit entered Administrative Order 2020-02, Emergency Order – COVID -19, suspending jury trials until at least April 20, 2020 unless or until further order of the Illinois Supreme Court.

Whereas, on April 2, 2020, the Chief Judge of the Illinois Sixth Judicial Circuit entered Administrative Order 2020-03, Emergency Order – COVID -19, extended the suspension of jury trials until at least May 18, 2020.

Whereas on April 3, 2020, the Illinois Supreme Court amended its Order M.R. 30370 to expressly provide that the Chief Judge of a circuit may continue trials until further order of this Court. In the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of statutory speedy trial.

Whereas on April 7, 2020, the Illinois Supreme Court amended its Order M.R. 30370 to expressly provide that jury trial continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial; such continuances shall be excluded from speedy trial computations.

Whereas, on April 30, 2020, the Chief Judge of the Illinois Sixth Judicial Circuit entered Administrative Order 2020-06, Emergency Order – COVID -19, extending the suspension of jury trials until at least June 15, 2020.

Whereas on May 20, 2020, the Illinois Supreme Court amended its Order M.R. 30370 to expressly provide that the Chief Judge of a circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial; such continuances shall be excluded from speedy trial computations. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely.

Whereas, on May 26, 2020, the Chief Judge of the Illinois Sixth Judicial Circuit entered Administrative Order 2020-07, Temporary Order - COVID -19 Procedure which allowed a Presiding Judge of a County to reopen a courthouse for limited court operations. The Order recognized a possible backlog of jury trials and that trials may be continued due to the diminished capacity of the court system to conduct jury trials while complying with health regulations, pandemic protocols and administrative orders. Until further Order, the Presiding Judge shall determine the priority of jury trials but that in-custody criminal cases will have priority over other jury trials. The Order provided that delays due to COVID-19 would be excluded from speedy trial computations pursuant to Supreme Court Order M.R. 30370. Finally, the Order stated that the Presiding Judge is in the best position to determine the ability of a county to accommodate jury trials while making every reasonable effort to allow for social distancing, etc.

Whereas, Champaign County conducted jury trials beginning in June 2020 through December 2020. Champaign County provided safeguards to protect individuals in the courthouse from COVID-19 including, but not limited to: requiring everyone to wear masks, providing sanitizer, using only three large courtrooms for trials, placing plexiglass around the witness stand, and using alternating chairs for jurors.

Whereas, in November 2020, the two felony trial judges encouraged lawyers to set in-custody criminal cases for trial in December 2020. Only a few matters were set and all were resolved without the need for a jury trial.

Whereas, from August 2020 through December 2020, there was an increasing number of jurors/potential jurors who could not come to court due to COVID-19, being exposed to someone with COVID-19 or being concerned for their safety by participating in jury trials. The judiciary continues to explore additional ways in which to ensure that jurors are at least 6 feet apart during jury trials; this requires significant reconfiguring of courtrooms, some of which can be temporary and some of which may be permanent.

Whereas, the Champaign-Urbana Public Health District's website shows an increase in late December 2020 and early January 2021 of the COVID-19 seven-day rolling positivity rate in Champaign County. On Dec. 24, it was 5.8%. On Dec. 25-26, it was 6.1%. On Dec. 28, it was 6.4%. On Dec. 29, it was 6.9%. On Dec. 30-Jan. 1, it was 7.3%. On Jan. 3, 2021, it was 7.5%. Public health officials do not yet know if there will be a surge of positive COVID-19 tests due to the holidays; this will be known in mid-January 2021.

Whereas, it takes approximately one month to summons and provide notice to potential jurors.

Whereas, several COVID-19 vaccines started distribution to first responders and the elderly beginning in December 2020 but the general public will likely not start obtaining the vaccines until Spring 2021.

THEREFORE, pursuant to the Orders of the Illinois Supreme Court and the Chief of the Sixth Circuit, this Court finds that proper distancing and facilities limitations prevent jury trials from currently proceeding safely, despite making reasonable efforts to do so. Due to the increase in COVID-19 positivity rates, the concern for a spike in mid-January 2021, the increase in juror concerns, the lack of trials in December 2020 and the month needed to summons and provide notice for jurors, jury trials will be suspended during the months of January and February 2021. The delay in trial due to this Order shall be excluded from speedy trial computations pursuant to previously-described Orders.

Date: 1/7/21

ENTER: 
Presiding Judge Randall B Rosenbaum