

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FIRST DIVISION**

GENERAL ORDER SUSPENDING FEBRUARY 2022 JURY TRIALS

On January 6, 2022, the Court issued an order, sua sponte, suspending jury trials in all cases scheduled during January 2022. The General Order was based on the finding that "conducting jury trials during this surge possess a substantial risk of exposure to COVID-19 infection that will threaten the safety and security of all persons who attend jury trials, including court personnel, attorneys, parties, jurors, witnesses, family members, media observers, and the general public."

Sadly, the surge in COVID-19 cases has continued. The Court currently is conducting all proceedings and other operations virtually to protect court personnel, attorneys, parties, witnesses, and other persons from the risk of COVID-19 infection. Meanwhile, the Court takes judicial notice of the following facts:

1. As of January 22, 2022, there were 102,575 active COVID-19 cases in Arkansas.
2. 8,118 new cases were reported for the 24-hour period between January 21-22, 2022.
3. 1,659 persons were hospitalized due to COVID-19 illness.
4. 464 persons were in intensive care units (ICU).
5. 207 persons were on ventilators.
6. 9,498 persons have died from COVID-19 disease.
7. 11,160 new COVID-19 cases were reported on January 20, 2022.
8. 13,073 new COVID-19 cases were reported on January 21, 2022.
9. UAMS COPH models are forecasting an increase in daily hospitalizations over the next 15 days from 96 to 180 new admissions per day from January 17, 2022.
10. Additionally, COPH models are forecasting increase in new daily COVID-19 cases to increase from 9,529 cases on January 18, 2022 to 22,672 cases on February 15, 2022.

The rising death toll, numbers of persons requiring hospitalization, ICU patients, patients who are on ventilators, and continued rise in new cases reported due to COVID-19 prove that the risk of COVID-19 infection

continues to threaten the safety and security of persons who attend in person jury trials.

The Sixth Amendment to the Constitution of the United States guarantees the right to confront witnesses in all criminal proceedings. The Seventh Amendment to the Constitution of the United States guarantees the right to trial by jury. The Fifth and Fourteenth Amendments to the Constitution of the United States guarantee due process of law to all persons. Those fundamental rights require, at minimum, that judicial proceedings be conducted under conditions that do not expose persons to the risk of sickness and death from the novel coronavirus that causes COVID-19.

Therefore, the Court, acting *sua sponte* in the interest of ensuring the fairness, safety, and security of jury trials, hereby orders that all criminal jury trials scheduled in this division during February 2022 are continued to avoid the risk of adding to the surge in COVID-19 infections. Speedy trial will be tolled due to the pandemic surge. The Court will continue to conduct non-jury trials and all other proceedings according to the practice followed before the December 2021 winter holiday recess. During the month of February 2022, all proceedings will be conducted via Zoom.

The Court directs the Circuit Clerk to enter this Order to the file of each First Division criminal case scheduled for jury trial in February, 2022, effective immediately.

ORDERED this 26th day of January 2022.


CIRCUIT JUDGE