

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss.

OE-144

In Re: COVID-19 (Coronavirus) Pandemic

ORDER REGARDING EMPANELMENT OF JURIES

In light of public health concerns arising from the COVID-19 (coronavirus) pandemic and the State of Emergency declared by the Governor, the Court, pursuant to its superintendence authority, issues the following ORDER to protect the public health by reducing the risk of exposure to the virus and slowing the spread of the disease:

Except as provided herein, all jury trials, in both criminal and civil cases, scheduled to commence in Massachusetts state courts between the date of this order and April 17, 2020, are hereby continued to a date no earlier than April 21, 2020. This Order does not affect any case in which a jury has already been empaneled or where a jury has been selected for empanelment; such cases will proceed through verdict.

Upon a showing of exceptional circumstances, a criminal defendant whose trial is postponed by this Order may seek an exception from this order by motion directed to the trial court. No exception shall be granted except with the approval of the judge and the Chief Justice of the court department, after consultation with the jury commissioner.

The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and the defendant in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under Mass. R. Crim. P. 36.

Where a jury trial is postponed as a result of this order, the parties may seek a conference with the court to address matters arising from the postponement. Such a conference should be conducted by telephone or videoconference, where practicable. In criminal cases, where appropriate, a defendant may ask the court for reconsideration of bail or conditions of release. Nothing in this Order addresses the disposition of such requests for reconsideration.

No new grand jury shall be empaneled before April 21, 2020. Grand juries whose terms expire on or before April 21, 2020, shall be extended until that date.

Each trial court shall issue a Standing Order addressing further measures to address the coronavirus pandemic no later than March 18, 2020.

The Court may issue further Orders regarding this matter as necessary to address the circumstances arising from this pandemic.

RALPH D. GANTS)
) Chief Justice
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BARBARA A. LENK)
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FRANK M. GAZIANO) Justices
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DAVID A. LOWY)
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KIMBERLY S. BUDD)
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ELSPETH B. CYPHER)
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SCOTT L. KAFKER)

Entered: March 13, 2020