

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

IN THE MATTER OF  
THE ADMINISTRATION OF THE COURT

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MS 20- 32

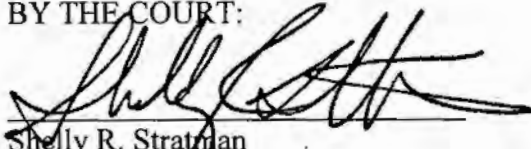
**ORDER CONTINUING JURY TRIALS  
IN RESPONSE TO COVID-19  
PANDEMIC**

In consideration of the Order of the Douglas County Health Department issued on March 18, and attached to this Order, the District Court for Douglas County hereby orders that all jury trials for the jury panels beginning March, 23, 2020 through May 1, 2020 are continued for good cause and the jury panels for this period are cancelled.

**IT IS SO ORDERED**

DATED this 19<sup>th</sup> day of March, 2020.

BY THE COURT:

  
Shelly R. Stratman  
Presiding Judge, Fourth District Court

#4 **FILED**  
IN DISTRICT COURT  
DOUGLAS COUNTY NEBRASKA  
MAR 19 2020  
JOHN M. FRIEND  
CLERK DISTRICT COURT





**DOUGLAS COUNTY BOARD OF HEALTH  
DOUGLAS COUNTY, NEBRASKA**



**ORDER**

**WHEREAS**, The Novel Coronavirus (COVID-19, also known as severe acute respiratory syndrome coronavirus 2, or "SARS-Cov-2") has dramatically impacted the citizens of Douglas County, Nebraska; and

**WHEREAS**, Pursuant to Nebraska Revised Statute section 71-501 and Omaha Municipal Code, Article XII, section 12-23, the Douglas County Board of Health is authorized to promulgate rules and regulations concerning contagious, infectious, and malignant diseases in the county under its jurisdiction; and

**WHEREAS**, Pursuant to Nebraska Revised Statute section 71-1631(7), the Douglas County Board of Health has promulgated such regulations concerning public health and the prevention of communicable diseases within its jurisdiction as approved by the Nebraska Department of Health and Human Services and amended through March 18, 2020; and

**WHEREAS**, Pursuant to the Douglas County Rules and Regulations for the Prevention of Spread of Communicable Disease, Illness, or Poisoning, Section 4, the Director of the Douglas County Health Department ("the Director") has the authority to implement Directed Health Measures, including protocols or measures as identified as effective against public health threats by the United States Department of Health and Human Services Centers for Disease Control and Prevention ("the CDC"); and

**WHEREAS**, Pursuant to the Omaha Municipal Code, Article XII, the Director has authority to issue such orders, regulations and instructions as may, in her judgment, limit the threat of an epidemic or contagious disease;

**WHEREAS**, On March 16, 2020, the CDC issued Interim Guidance for COVID-19, specifically warning against gatherings of more than ten (10) people for the next fifteen (15) days;

**WHEREAS**, The Director makes the following findings:

1. I have received information from the WHO, CDC and treating health care providers that the general public may have been exposed to a communicable disease.
2. I find that Directed Health Measures exist to effectively prevent, limit or slow the spread of communicable disease.
3. I further find that the disease presents a risk of death to any person; and that the exposure is wide-spread and poses a significant risk of harm to people in the general population; and that there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk.

4. In assessing the nature of the risk presented, I further find that the threat is from a novel infectious agent.
5. I do hereby further find that a delay in the imposition of Directed Health Measures and evaluation would significantly jeopardize the ability to prevent or limit the transmission of a communicable disease and pose unacceptable risks to any person or persons.

**WHEREAS, The Director hereby orders:**

1. All public gatherings within the jurisdiction of the Douglas County Health Department with an expected presence of more than 10 individuals taking place between March 18, 2020 and April 30, 2020 are hereby prohibited. If a venue is subdivided into multiple spaces separated by physical walls or sufficient airspace, the limit per subdivision of space is 10.
2. It is further ordered that even for gatherings below this size, if a minimum social distance of six feet between attendees cannot be maintained in the venue or a subdivision thereof, the gathering is prohibited.
3. This Order does not apply to courts of law, medical providers, public utilities, critical county and city operations, continuity of business operations, logistics/distribution centers, congregate living settings, shelters, public transportation, airport travel, necessary shopping at fuel stations, stores or malls, or to family residences housing ten or more people. However, these settings are instructed to observe all applicable state and federal guidelines for infection control.
4. Daycare and childcare facilities must operate under the following mandatory conditions: A. Childcare must be carried out in stable groups of 10 or fewer children; "stable" means that the same 10 or fewer children are in the same group each day. B. Children shall not change from one group to another. C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other. D. Childcare providers shall remain solely with one group of children.
5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected at least 197,000 individuals worldwide and is implicated in over 7,00 worldwide deaths. Douglas County has twenty (20) cases.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the Douglas County, Nebraska and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially, increasing the likelihood that such gatherings will impair efforts at mitigating the spread of the illness.
8. To the extent necessary, the Director requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order. Pursuant to Nebraska Revised Statute sections 71-502 and 506 and Nebraska Administrative Code 173 sections 6-009 and 6-006, any person violating this order may be subject to a Class V Misdemeanor for each offense.

9. This Order is effective immediately.

**Dated this 18th day of March, 2020**



Dr. Adi Pour  
Douglas County Health Director

FILED  
APR 1 10 2020  
DOUGLAS COUNTY HEALTH DEPARTMENT  
JAN I. SOSA  
CLERK  
DOUGLAS COUNTY HEALTH DEPARTMENT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

IN THE MATTER OF  
THE ADMINISTRATION OF THE COURT

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MS 20-32

ORDER FOR CRIMINAL JURY TRIALS  
BEGINNING ON JULY 8, 2020

Due to the restrictions created by the coronavirus/COVID-19 pandemic, the Fourth Judicial District will reinstate the July, 2020 Jury Panel for criminal cases only. Jury trials will be limited to the following criminal cases:

- Wednesday, July 8, 2020: State v. Jones-Kellogg, CR 19-1999
- Wednesday, July 15, 2020: State v. Kuek, CR 19-2918
- Wednesday, July 22, 2020: State v. Loving, CR 16-2556

Jury summonses for the July jury panel will be mailed by May 26, 2020.

Douglas County District Courts have taken measures to mitigate the effects of this public health emergency upon our Courts and its participants. The Court finds that having additional trials during the month of July would be impossible due to the ongoing social distancing restrictions for the public. The April 30, 2020 Directed Health Order issued by the Nebraska Department of Public Health and Human Services orders "a minimum distance of six (6) feet between" all persons. The Douglas County Courthouse and Courtrooms do not have the space available to accommodate any additional jury trials while at the same time maintaining social distancing restrictions. The Court recognizes that the restrictions ordered by the Directed Health Order are not legally binding on the Court, but the Court, nonetheless, finds that adherence to these restrictions is in the best interest of the public for their health and safety.

Due to the restrictions caused by the pandemic, the Court finds that all other criminal cases scheduled for the July, 2020 jury panel are continued for good cause pursuant to Neb. Rev. Stat § 29-1207(4)(f) to the next available trial date for the individual court.

IT IS SO ORDERED

Dated this 20<sup>th</sup> day of May, 2020.

BY THE COURT:



Shelly R. Stratman  
Presiding Judge Fourth Judicial District Court

#37 FILED  
IN DISTRICT COURT  
DOUGLAS COUNTY NEBRASKA  
MAY 20 2020  
JOHN M. FRIEND  
CLERK DISTRICT COURT





IN THE DISTRICT COURT OF DOUGLAS

IN THE MATTER OF	)	MS 21-31
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THE ADMINISTRATION OF THE COURT	)	ORDER FOR CRIMINAL JURY TRIALS
	)	BEGINNING ON March 29, 2021 IN
	)	THE DOUGLAS COUNTY COURT
	)	ANNEX BUILDING
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On December 11, 2020, the Court entered General Order MS20-110 which canceled the jury panels for the months of January and February 2021. The Court entered this Order due to the Court's inability to safely call and retain an adequate cross-section of jurors, and the effect of following the rapidly evolving public health recommendations on the availability of parties, counsel, citizens accused, law enforcement officers, and court staff. Consequently, the backlog of criminal and civil cases requesting jury trials has increased. In consideration of the constitutional and statutory right to a speedy trial enjoyed by citizens accused in criminal cases, and due to the ongoing restrictions created by the coronavirus/COVID-19 pandemic, the Fourth Judicial District will reinstate the May 2021 Jury Panel solely for criminal cases only.

The Douglas County Annex Building renovation is completed. Accordingly, the *voir dire* in the below-listed criminal cases will take place in the Douglas County Annex Building located at 1805 Harney Street, Omaha, Nebraska 68102 across the street from the Douglas County Courthouse. The jury trials will be limited to the following District Court Judges on their assigned specific dates. The jury trials will be limited to the following criminal cases that have been scheduled.

All civil cases previously scheduled for jury trial are continued for good cause to alleviate the backlog associated with the citizens accused who await to assert their constitutional and statutory right to trial by jury in criminal cases.

**Jury selection schedule for May 2021 Criminal Cases Only:**

**Monday, April 26, 2021**

- Back-up 1:**
- Back-up 2:**
- Back-up 3:**

#37 FILED  
 IN DISTRICT COURT  
 DOUGLAS COUNTY NEBRASKA

MAR 15 2021

JOHN M. FRIEND  
 CLERK DISTRICT COURT

**[GLEASON]**

**Wednesday, April 28, 2021** CR 20-2693 State v James Graham  
(Rothrock/Jedlicka)

**Back-up 1:** CR20-3487 State v Jerry Landers (Stormont/West)

**Back-up 2:** CR20-3762/3763 State v Demetrius Averette (Meckna/M. Hughes)

**[BURNS]**

**Monday, May 3, 2021** CR 20-3723 State v. Francisco Moya Jacobsen/ West

**Back-up 1:** CR 20-3669 State v. Christopher Neel MacTaggart/ Wampler

**[BATAILLON]**

**Wednesday, May 5, 2021** CR 20-1997, State v. Jammil Alexis, Nissa Jones/April Lucas & Mikki Jerabek

**Back-up 1:** CR 19-2717, State v. Nancee Root-Cuva, Mike Jensen/Beau Finley

**Back-up 2:** CR 20-1719, State v. Alexander Hawlow-Stone, Rob MacTaggart/Bill Pfeffer

**Back-up 3:** CR 20-3240, State v. Alex Washington, Desiree Stormont/David Lehan & Doug Johnson

**Back-up 4:** CR 20-3444, State v. Christopher Cozens, Tony Clowe/Tamara Mosby

**[STRATMAN]**

**Monday, May 10, 2021** CR 20-1777 State vs. James R. Fairbanks (Brenda Beadle/Steve Lefler)

**[BOWIE]**

**Wednesday May 12, 2021** CR19-3494/CR19-4049 State v. Vershan Collins,  
(Hurley/Melia)

**Back-up 1:** CR-20-2855 State v. Alfonso Jimenez (Lavery/Guy Weinstein)

**Back-up 2:** CR-20-3970 State v. Janella Marks (Jacobsen/Miller)

**Back-up 3:** CR-20-2858 State v. Bryan Cox Rothrock/Ramshek)

**[POLK]**

**Monday, May 17, 2021** CR 20-3851 State v. Miguel Garcia-Fentanes  
(Beninato/Weinstein)

**Backup 1:** CR 20-643 State v. Chico Johnson (Beninato/Thustos)

**Backup 2:** CR 20-1150 State v. Jessie Stuhr (Lavery/Shapiro)

**Backup 3:** CR 20-1359 State v. James Bates (Lavery/Johnson)

**Backup 4:** CR 20-2536/3698 State v. Sean Flowers  
(Hagerty/Solomon/Mendoza)

**Backup 5:** CR 20-3169 State v. Julius King (Stormont/Hoffman)

**Backup 6:** CR 20-3170 State v. McCormick (Keane/Jedlicka)

**Backup 7:** CR 21-71/72 State v. Wolpert (Lindberg/Hoetger)  
[SCHATZ]

**Wednesday, May 19, 2021**

**Backup 1:**

**Backup 2:**

**Backup 3:**

[RANDALL]

Jury summonses for the May 2021 jury panel have been mailed.

Douglas County District Courts have taken measures to mitigate the effects of this public health emergency upon our Courts and its participants. The Court finds that having any additional trials during the month of May would be impossible due to the ongoing social distancing restrictions for the public. Based on the guidelines of local health officials "a minimum distance of six (6) feet between" all persons is recommended. The Douglas County Courthouse and Courtrooms do not have the space available to accommodate any additional jury trials while at the same time maintaining social distancing restrictions. The Court recognizes that the guidelines recommended by the local health officials are not legally binding on the Court, but the Court, nonetheless, finds that adherence to these recommendations is in the best interest of the public for their health and safety.

Due to the restrictions caused by the pandemic, the Court finds that all other civil cases scheduled for the May, 2021 jury panel are continued for good cause to the next available trial date for the individual court.

**IT IS SO ORDERED**

Dated this 15<sup>th</sup> day of March, 2021.

BY THE COURT:



HORACIO J. WHEELOCK  
PRESIDING JUDGE, FOURTH JUDICIAL DISTRICT