



OF DOUGLAS COUNTY, NEBRASKA

IN THE MATTER OF
THE ADMINISTRATION OF THE COURT

) MS 21-31
)
) THIRD AMENDED
) ORDER FOR CRIMINAL JURY TRIALS
) BEGINNING ON April 26, 2021 IN
) THE DOUGLAS COUNTY COURT
) ANNEX BUILDING
)

#36 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
APR 22 2021
JOHN M. FRIEND
CLERK

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:**

[GLEASON]

Wednesday, April 28, 2021 CR 19-3424 State v Peter J. Baldwin
(Stromont/Michael Meckna)

[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

Back-up 5: CR 21-139, State v. Howard Fields, Cody Miltenberger/Abbi Romshek

[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 19-4649 State V. Holbert – Incarcerated – Robbery & Habitual Criminal – Meckna & Romshek

Backup 1: CR 20-3851 State v. Garcia-Fentanes – Incarcerated – Sexual Assault On A Child 3rd Degree (3 Counts) & Child Abuse – Beninato/Weinstein

Backup 2: CR 20-643 State v. Johnson – Not Incarcerated – Child Abuse – Beninato/Thustos

Backup 3: CR 20-960 State v. Mccord – Not Incarcerated – Pwid Meth; Failure To Tax Stamp Hagerty & Natvig

Backup 4: CR 20-1150 State v. Stuhr – Not Incarcerated – Sexual Assault On A Child 3rd Degree – Lavery/Shapiro

Backup 5: CR 20-2536/3698 State v. Flowers – Not Incarcerated – Poss Of Firearm By Pp/Assault On Officer/Terroristic Threats/Assault 2nd Degree – Hagerty/Solomon

Backup 6: CR 20-3169 State v King – Not Incarcerated – Attempt Of A Class Ii Felony – Stormont/Hoffman

Backup 7: (CR 19-2974) State v. Watkins – Incarcerated – Pwid Especially Hazardous – Mactaggart/Reefe

Backup 8: CR 20-1349 (21-933) State v. Burns – Incarcerated – Poss Of Stolen Firearm – Jensen/Howard
[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 22ND day of April, 2021.

BY THE COURT:



HORACIO J. WHEELOCK
PRESIDING JUDGE, FOURTH JUDICIAL DISTRICT