

CIRCUIT COURT PHASE ANNOUNCEMENT – 04/23/21

As directed by the Missouri Supreme Court on May 4, 2020 (and ultimately modified on July 24, 2020 and March 26, 2021), judicial circuits cannot rush to “open their doors” during this pandemic. They must do so gradually. The Court developed five phases (Zero through Four) to allow for this process. (The Supreme Court added a fifth phase, Phase Four, on March 26, 2021.) In determining whether changing phases is appropriate, the Supreme Court provided the following specific “Gateway Criteria” to consider:

- “1. The number of confirmed COVID-19 cases in the court facility within the last 14-day period.
2. Any local stay-at-home orders or gathering restrictions.
3. Improvement in local COVID-19 health conditions over a 14-day period, including the number of confirmed COVID-19 cases and related deaths.
4. Consultation with local health officials or departments concerning changes to levels of courthouse activities.
5. Consultation with local judiciary partners such as children’s division personnel, juvenile officers, members of the local bar, prosecutors and public defenders, law enforcement and probation and parole.
6. Accessibility to approved COVID-19 vaccines in the community in which the courthouse or court facility is located.”

Starting on May 12, 2020, the 21st Circuit has engaged in phasing discussions with judges, law enforcement officers, court administrators, prosecutors, public defenders, juvenile officers, Department of Public Health officials, probation officers, bar leaders and others. These discussions occur on a weekly basis, and will continue even after this Circuit enters into Phase Four, as the possibility of moving back to a lower phase always remains, depending on the status of the spread of the virus.

This Circuit has also engaged in discussions with the Chief Judge of the Eastern District Court of Appeals and the Presiding Judge of the 22nd Circuit; both Presiding Judges agreed to regularly speak with the Chief Judge and always before deciding to change phases.

The 21st Circuit is currently in Phase Two, as it has been since March 26, 2021.

(Continued)

Factors that this Circuit has considered this week include the following:

1. Courthouse Staff:

No new cases of COVID-19 have been reported among courthouse staff, and none are in quarantine.

All employees who have been working remotely are now required to work three days per week at the courthouse, and two days a week remotely.

To improve access to justice during the pandemic, secure computer stations (“E-Court”) are now available on the street level of the St. Louis County Courthouse and the St. Ann satellite court at The Crossings at Northwest in St. Ann. The E-Court allows members of the public to participate in live court proceedings, including criminal preliminary hearings, small claims, landlord-tenant and order of protection dockets. Court staff members are available to assist litigants in connecting to their hearings before the judges.

2. DJS Jail Residents and Staff (and the Missouri Department of Corrections):

No new cases of COVID-19 have been reported among residents of the jail, and none are in quarantine. Vaccinations continue in the jail, and will have been offered to all residents by the end of the week of April 19, 2021.

The Court has engaged in regular communication with prosecuting attorneys, defense attorneys and public health experts to develop and maintain a detailed plan to address the resumption of jury trials in Phase Two. (Please refer to Administrative Orders No. 20-54 and No. 21-7.) Jury trials for designated criminal cases resumed seamlessly on April 12, 2021. They will continue to take place two at a time until this Circuit enters Phase Three (which will not occur until the entire court staff has had the opportunity to be fully vaccinated).

Trials have been carried out under heightened public health and safety conditions, as recommended by the CDC and the County Department of Public Health, in tandem with consultation with a local epidemiologist.

The Department of Public Health has had concerns of exposure to its residents, primarily due to both the potential for “likely transmission” in the Jail and the presence of cases reported in the community at large. Of special concern to the Department of Public Health was the risk of bringing inmates who are currently housed in the Missouri Department of Corrections to the Jail to address pending criminal matters here. The number of COVID cases in the Department has dropped considerably.¹ Testing there has been extensive.²

Each state in the U.S. has developed a three-phase vaccine distribution plan.³ The Missouri Department of Corrections staff have been eligible for the vaccine since mid-January under the Phase 1B – Tier 1 of the rollout. Inmates in high-risk populations because of age (65 or older) or medical conditions are in Phase 1B - Tier 2, and have been eligible for the vaccine since January 18. All other offenders became eligible on April 9, when Phase 3 opened. (*Sources: Missouri Department of Corrections Website, “COVID-19 Data,” April 21, 2021*).

3. Detention Center Residents and Staff:

No new residents or staff members have been reported to have tested positive for the coronavirus for the past two months. Qualified Detention Center residents whose will be vaccinated with parental consent.

¹ As of Wednesday, April 21, the Missouri Department of Corrections reports 36 active inmate cases across all of its adult facilities (about the same as the 39 reported a week earlier and the 41 reported two weeks prior); 6 active cases among prison staff; and 2 active cases among non-prison staff. The department has reported 48 inmate and six staff deaths from COVID-19 and related complications. No new COVID-related deaths have occurred since the first week in January. (*Source: Missouri Department of Corrections Website, COVID-19 Data, April 21, 2021*).

² The M.D.C. employs a number of testing strategies, and as of April 21, has performed 94,310 tests. The strategy includes, but is not limited to, testing offenders who exhibit symptoms of COVID-19 or may have had contact with an infected person; testing all offenders upon intake and pre-release; testing all offenders in a housing unit or contained area when an outbreak is suspected; and testing at random regardless of symptoms. (*Source: Missouri Department of Corrections Website, COVID-19 Data, April 21, 2021*).

³ On January 14, 2021, the director of the Missouri Department of Health and Senior Services established three phases, with various sub-phases and tiers; each sub-phase (or tier) provides for the administration of the COVID-19 vaccine to distinct groupings of Missouri residents. The groupings are based on occupations, health conditions and/or places of residence. Phase 1A includes “Patient-Facing Health Care Workers and Long-Term Care Facility Residents and Staff.” Phase 1B -- Tier 1 includes “First Responders, Emergency Services and Public Health Infrastructure.” Phase 1B – Tier 2 includes “High-Risk Individuals” (i.e., anyone aged 65 and older and adults with certain severe illnesses). Phase 1B – Tier 3 includes those whose jobs provide “Critical Infrastructure,” (i.e., “keep the essential functions of society running”). This tier specifically addresses those whose employment is in “Education, Childcare, the Communications Sector, the Dams Sector, the Energy Sector, the Food/Agriculture Sector, Government, the Information Technology Sector, the Nuclear Reactor/Materials/Waste Sector, the Transportation Systems Sector and the Water and Wastewater Systems Sector.” Phase 2 includes those who protect “those who have been disproportionately affected” and those who “accelerate... economic recovery.” Phase 3 includes everyone else who wishes to be vaccinated. (*Source: MO DHSS 01/14/21 letter from DHSS Director Dr. Randall W. Williams*).

4. St. Louis County:

St. Louis County has generally seen a slight, gradual increase in new COVID-19 cases since early March. However, the number of cases this week has decreased. On Thursday, April 22, St. Louis County reported that the seven-day rolling average is 136 (confirmed and probable) COVID-19 cases per day.⁴ A week earlier (on April 15), the seven-day average was 160 cases per day. Two weeks prior (on April 8), the average was 152 cases per day. [On March 1, the average was 115. On March 15, the average was 138. The average number of new cases per day has decreased significantly from its peak of 728 *confirmed* cases on November 12.] (*Source: showmestrong.mo.gov, April 22, 2021*).

Deaths due to COVID-19 in St. Louis County have continued to decline and are down significantly since peaking in early December. On Tuesday, April 20, the seven-day moving average number of deaths per day due to confirmed cases of COVID-19 was 1. A week earlier (on April 13), the seven-day average was 1. Two weeks prior, (on April 6), the seven-day average was 2. The seven-day average is down from highs of 13 deaths per day in early December. Since the start of the pandemic, 2,147 St. Louis County residents have died due to coronavirus. (*Sources: showmestrong.mo.gov; stlcorona.com, April 22, 2021*).

On Thursday, April 22, St. Louis County's seven-day average rate of positive tests was 5.7%, down from 6.4% during the previous week.⁵

⁴ Missouri's COVID-19 dashboard reports confirmed and probable cases separately. For this report, however, they have been combined. A *confirmed* case means a positive PCR test. A *probable* case means a positive antigen test. Experts consider the PCR test the "gold standard" for detecting the virus. It detects the genetic material of the virus within days of infection, even in individuals who have no symptoms. Results come back in two or three days. Antigen tests, also known as rapid tests, detect protein fragments specific to the coronavirus. Turnaround time for results is only 15 minutes. A positive antigen test is considered highly accurate, especially for those experiencing symptoms, but negative test results are less reliable. Both PCR and antigen tests are conducted by nasal swab. If a person tests positive using both a PCR test and antigen test, they are counted only once—the PCR test is counted as a confirmed case. Antigen testing started growing in usage around November of last year. Currently, about 30% of all tests are antigen tests. The most recently reported COVID-19 case numbers are delayed 3 days to ensure accuracy. (*Sources: showmestrong.mo.gov, March 18, 2021; St. Louis Post-Dispatch, February 10, 2021*).

On Saturday, April 17, the Missouri Department of Health and Senior Services reported a database error that was causing individuals with both a positive PCR and antigen result to be counted as both a probable and confirmed case. This correction removed more than 11,000 cases across Missouri that had been counted twice. (*Source: St. Louis Post-Dispatch, April 22, 2021*). Presumably, some of those cases were from St. Louis County, though the exact number is not easily ascertained from Missouri's COVID-19 dashboard.

⁵ The World Health Organization has advised state and local governments that before reopening, the rate of positivity in testing should remain at 5% or lower for at least 14 days. (*Source: Johns Hopkins University of Medicine Coronavirus Resource Center, coronavirus.jhu.edu, August 31, 2020*).

These averages are calculated using the Centers for Disease Control and Prevention’s (CDC) method.⁶ (*Source: showmestrong.mo.gov, April 22, 2021*).

According to an analysis by the *New York Times*, St. Louis County remains in the “Very High” risk category, with 164 average confirmed and probable daily cases.⁷ That average amounts to 16 per 100,000 residents.⁸ This average has been approximately the same since late February, though it has trended up slightly over the past few weeks. [On April 1, the average number of daily cases per 100,000 residents was 14. On March 1, that number was 13. On February 15, it was 19. On February 1, it was 34.] (*Source: nytimes.com, April 22, 2021*).

As of Thursday, April 22, more than 352,501 St. Louis County residents—i.e., 35.5% of the County’s population—have received at least one dose of the COVID-19 vaccine. 24.2% are fully vaccinated. (*Source: showmestrong.mo.gov, April 22, 2021*).

Vaccines were available without an appointment on Tuesday and Thursday this week at Heman Park in University City. St. Louis County Executive Sam Page indicated that this walk-in vaccine clinic is only part of the County’s ongoing effort to provide County residents the opportunity to get vaccinated. Page also said the County is currently vaccinating individuals housed at the County Jail and their families. “This pandemic is not over,” said Page. “About two-thirds of our County residents still haven’t gotten vaccinated, and we’ve seen gradual increases in the number of new cases.” (*Source: St. Louis Post-Dispatch, April 19, 2021*).

⁶ Under the CDC method, the total number of positive PCR tests is divided by the total number of PCR tests. This methodology does not “de-duplicate”, meaning it is not adjusted for instances where the same individual has been tested multiples times in the same week.

⁷ The case numbers reported by the *New York Times*, Missouri’s dashboard at showmestrong.mo.gov, and St. Louis County’s dashboard at stlcorona.com may be different. This can be attributed to differences in reporting methods. Missouri’s dashboard at showmestrong.mo.gov reports probable and confirmed cases separately. In contrast, the case count reported by the *Times* and St. Louis County includes both confirmed and probable cases. There are also differences in the way probable cases are reported. On Missouri’s dashboard, a probable case means only those individuals with a positive antigen test. On the St. Louis County dashboard and *Times* website, the definition of probable cases follows CDC guidelines and is broader. One of the major differences is that probable cases from those sources (St. Louis County and the *Times*) include not only individuals with positive antigen test results, but also those individuals who have COVID-19 symptoms and are known to have had close contact with a COVID-positive person in the 14 days prior to the onset of their symptoms, but have not had a confirmatory test. (*Sources: stlcorona.com; nytimes.com; stlcorona.com; March 17, 2021*).

⁸ A county is in the “Very High” risk category if it reported more than 160 cases per 100,000 people during the past two weeks, which would be equivalent to a daily rate of 11 cases per 100,000 people. A county with fewer cases may also be in this category if more than 10% of tests had a positive result over the past two weeks. The *Times* lists several recommended precautions for each risk category. Residents of counties in the “Very High” risk category should avoid nonessential indoor activities, nonessential travel, and large gatherings. Residents can enjoy outdoor activities, should protect themselves at work or school, and should not skip or delay medical care.

The St. Louis County Department of Public Health has reported 71 vaccine recipients have actually tested positive for COVID-19 after they were fully vaccinated. These are known as “breakthrough infections”⁹ and experts say people still need to be cautious even after receiving the vaccine. “That’s important to tell people, because if you’re vaccinated, you kind of feel like you’re bulletproof,” said Dr. James Hinrichs, infectious disease advisor for the St. Louis County Department of Public Health. Still, breakthrough infections are extremely rare. About 0.03% of those fully vaccinated in St. Louis County are known to later have gotten COVID-19. *(Source: St. Louis Post-Dispatch, April 19, 2021).*

Dr. Hinrichs said at least 40% of the breakthrough cases in St. Louis County were asymptomatic and 44% were among health care workers. Where the individual had symptoms, the vast majority had very mild symptoms, but two people were hospitalized with more serious symptoms. “People might have the obvious question: Are these variants that are causing this?” Hinrichs said. “And I wish I had an answer to that[,]” he added. *(Source: St. Louis Post-Dispatch, April 19, 2021).*

5. St. Louis Region:

New hospital admissions due to COVID-19 in the St. Louis area have decreased dramatically since peaking in late November of last year, but have plateaued recently—hovering at approximately 40 since the beginning of March. On Thursday, April 22, the St. Louis Metropolitan Pandemic Task Force¹⁰ reported that 47 new COVID-19 patients were admitted to St. Louis area hospitals, making the seven-day daily average 41. The week before (on April 15), the seven-day average was 38. It was at 39 the week before that (on April 8). *(Source: St. Louis Metropolitan Pandemic Task Force Facebook page, April 22, 2021).*

The number of COVID-positive patients that were hospitalized across St. Louis area hospitals has similarly leveled off since early March. On Thursday, April 22, the Task Force reported that the seven-day average total number of COVID-positive patients in Task Force hospitals was 211, about the same as the 223 reported a week prior (on April 15) and 216 two weeks earlier (on April 8).

⁹ According to the CDC, a “breakthrough infection” or “breakthrough case” occurs when someone infected with COVID-19 more than two weeks after the second in a two-dose series (like the Moderna and Pfizer vaccines) or two weeks after a one-dose vaccine (like the Johnson & Johnson vaccine). *(Source: St. Louis Post-Dispatch, April 19, 2021).*

¹⁰ The Task Force is a collaboration of local health systems and collects data from BJC HealthCare, Mercy, SSM Health and St. Luke's Hospital facilities in the region.

(Source: St. Louis Metropolitan Pandemic Task Force Facebook page, April 22, 2021).

As of April 20, St. Louis area hospitals were operating at approximately 81% staffed in-patient bed capacity and 84% staffed ICU bed capacity. *(Source: showmestrong.mo.gov, April 23, 2021).*

Deaths due to COVID-19 across St. Louis area hospitals have also plateaued recently, after steadily declining since December. On Thursday, April 22, the Task Force reported a seven-day moving average of 3 deaths per day due to COVID-19 in Task Force hospitals. That is the same as the average of 3 deaths per day reported a week prior (on April 15) and two weeks earlier (on April 8). The average was above 20 in December. *(Source: St. Louis Metropolitan Task Force Facebook page, April 22, 2021).*

The average age of patients hospitalized with COVID-19 in the St. Louis area is dropping. Researchers at Washington University analyzed data from hospitals across the St. Louis region. During the week of December 7, 2020 (before the vaccine rollout), patients aged 65 and older comprised 63.4% of all patients hospitalized with COVID-19. By the week of April 5, 2021, that number had dropped to 36.6%. *(Source: St. Louis Post-Dispatch, April 16, 2021).*

Dr. Alex Garza, leader of the St. Louis Metropolitan Pandemic Task Force, said that the declining age of patients hospitalized with COVID-19 is a sign the vaccination effort is working. “What this leads us to believe is that the vaccination strategy of vaccinating oldest people first is having an effect on admissions to the hospital,” said Dr. Garza. *(Source: St. Louis Post-Dispatch, April 16, 2021).*

Even as the average age of patients hospitalized with COVID-19 declines, overall hospitalization rates in the St. Louis area have stayed flat. Since early March, the number of patients hospitalized with COVID-19 has stalled at approximately 220. “We haven’t seen significant drops,” Garza said. “Some days, we can get below 200, but other days, we come back up.” The director of infectious disease and prevention for SSM Health, Dr. Shephali Wulff, says that these stubborn levels are a clear indication that the virus remains a threat. “Clearly COVID is still in our community,” Wulff said, “and people who are not vaccinated yet are the people that are at the highest risk.” *(Source: St. Louis Post-Dispatch, April 16, 2021).*

6. Missouri:

Missouri's seven-day moving average number of new COVID-19 cases has been relatively flat recently, staying in the 500 through 700 range since March 1. On Thursday, April 22, the state reported 624 new confirmed and probable cases, making the seven-day average 525.¹¹ The seven-day average is down from 590, which was reported a week earlier (on April 15) and 556 reported two weeks prior (on April 8). Since the start of the pandemic, Missouri has reported 578,035 confirmed and probable cases.¹² (*Sources: showmestrong.mo.gov and St. Louis Post-Dispatch, April 22, 2021*).

Deaths in Missouri due to COVID-19 continue to trend downward since peaking in December.¹³ For the week starting April 11, Missouri reported 11 deaths. For the week of April 4, Missouri reported 20 deaths. For the week of March 28, Missouri reported 29 deaths. (For the week of March 21, the state reported 46 deaths, and for the week before that, 39 deaths.) Missouri has recorded 8,689 deaths due to COVID-19 since the start of the pandemic. (*Source: St. Louis Post-Dispatch, April 22, 2021*).

The number of patients in Missouri who are hospitalized with COVID-19 has decreased significantly since the start of 2021, but the curve has flattened out over the past few weeks. As of Monday, April 19, Missouri had 745 patients hospitalized with confirmed or suspected COVID-19, making the seven-day moving average 760.¹⁴ A week earlier (on April 12), the seven-day average was 795. A week before that (on April 5), the average was 746. [On March 1, the average was 1,102. On Jan 1, the average was 2,704.] (*Source: showmestrong.mo.gov, April 22, 2021*).

¹¹ This data lags 3 days to ensure accuracy. A positive PCR test is a confirmed case. A positive antigen test is a probable case.

¹² On Saturday, April 17, the Missouri Department of Health and Senior Services reported a database error that was causing individuals with both a positive PCR and antigen result to be counted as both a probable and confirmed case. This correction removed 11,454 cases that were counted twice, according to the department. (*Source: St. Louis Post-Dispatch, April 22, 2021*).

¹³ The most recent weeks likely undercount the number of deaths because deaths are often reported in batches and with a delay. Therefore, the most recent numbers reported here are likely to increase over time.

¹⁴ This data was reported on Thursday. The delay is to ensure accuracy. More recent data is available, but is subject to change due to reporting delays.

On Thursday, April 22, Missouri reported a seven-day average positivity rate of 4.9%, essentially the same as the 5.0 % reported the previous week. These averages reflect the positivity rate for confirmed cases (PCR test results only) and are calculated using the CDC method. The positivity rate for antigen tests is 4.9%, down from 5.4% from during the previous week. (*Source: showmestrong.mo.gov, April 22, 2021*).

As of April 13, the transmission rate for Missouri is 0.99.¹⁵ That is essentially the same as the rate of 1.00 a week earlier (on April 6). (*Source: covidactnow.org, April 22, 2021*).

Missouri hospitals are operating at 74% staffed in-patient bed capacity and 75% staffed ICU bed capacity. (*Source: showmestrong.mo.gov, April 22, 2021*).

Through Thursday, April 22nd, 1,817,815 people statewide—i.e., 29.6% of the population—were reported to have received at least one dose of the vaccine. 21.1% of the population is completely vaccinated. (*Source: showmestrong.mo.gov, April 22, 2021*).

Missouri compares favorably to other states in the U.S. when it comes to the number of new COVID-19 cases reported over the past week. Missouri is tied for the 8th lowest number of cases per capita over the last seven days, with 10 cases per 100,000 people. [Michigan has the most with 64 cases per 100,000; California, Oklahoma and Hawaii have the lowest with 6.] (*Source: nytimes.com, April 22, 2021*).

Missouri does not rank well compared to the other states in the U.S. in administering the vaccination doses received from the federal government. Missouri ranks 39th among the states, with 35% of the population having received at least one shot. [The national average is 40%; the state of New Hampshire ranks first, at a rate of 59%; Mississippi ranks last with 30%.] (*Source: nytimes.com, April 22, 2021*).

¹⁵ The transmission rate represents how fast COVID-19 is spreading in a given area. It measures the average number of people who become sick from an infectious person. A value of 1.00 means each case causes, on average, one new case. If the value is less than one, the spread of the disease is slowing. The higher the number, the worse the spread.

Similar to the trend seen in the St. Louis region, the average age of patients across Missouri who are hospitalized with COVID-19 has dropped since the vaccine rollout started. Research from the Missouri Hospital Association shows the daily hospitalization rate for Missourians 60 and older shrank 15.3% through March 28, whereas the rate among Missourians age 18 through 59 increased 32.1% during that same time. *(Source: St. Louis Post-Dispatch, April 16, 2021).*

The president of the Missouri Hospital Association, Herb Kuhn, says that the shift toward younger patients is good news because seniors have been the most vulnerable population throughout the pandemic. “Vaccination appears to be shifting the dynamic in the fight against COVID-19,” Kuhn said. “Age is among the most powerful predictors of severe illness and death from COVID-19. The significant emphasis on vaccinating older Missourians seems to be resulting in reduced hospitalizations among this high-risk population.” *(Source: St. Louis Post-Dispatch, April 16, 2021).*

Data from the state shows that 70% of Missourians 65 and older have received at least one dose of the vaccine. Only approximately 36% of Missouri residents age 25 to 64 have received at least one dose. *(Source: St. Louis Post-Dispatch, April 16, 2021).*

7. St. Louis County Executive Action:

St. Louis County officials issued three public health orders that went into effect November 17, 2020: 1.) a “Safer at Home” order (which imposed significant limitations on activities outside the home); 2.) a modified face covering order (which expanded the areas where masks should be worn) and 3.) a third amended isolation and quarantine order (which imposed directives to those infected by or exposed to the virus). *(Source: stlcorona.com, April 22, 2021).*

These public health orders have been amended several times as transmission of the coronavirus has reduced significantly since November of last year and vaccines have become more widely available.

The most recent amendment to the County’s public health orders came on April 21, 2021, when the Quarantine and Isolation Order was amended a sixth time. The amended order includes updated isolation and quarantine protocols for vaccinated and recently infected residents. *(Sources: stlcorona.com, April 22, 2021).*

8. Other considerations:

After a sharp decline during the first two months of the year, the number of new COVID-19 cases across the United States has been relatively flat since early March. On Wednesday, April 21, the seven-day moving average number of new cases in the U.S. was 62,595 per day. A week before that (on April 14), the average was 69,613 new cases per day. Two weeks prior (on April 7), the average was 64,397 new cases per day. Since the start of the pandemic, the U.S. has recorded approximately 31.6 million cases. *(Source: CDC.gov, April 22, 2021).*

The weekly death rate due to COVID-19 in the U.S. has also plateaued recently. On Wednesday, April 21, the seven-day moving average was 690 deaths per day. A week before that (on April 14), the average was 717 deaths per day. And two weeks prior (on April 7), the average was also 643. The U.S. has recorded 565,613 deaths due to COVID-19 since the start of the pandemic. *(Source: CDC.gov, April 22, 2021).*

Approximately 40% of U.S. residents have received at least one dose of the vaccine; 26% of the population have been fully vaccinated. *(Source: nytimes.com, April 22, 2021).*

In addition to the reports of rare but serious blood clots that led to pausing the Johnson & Johnson vaccine last week, federal regulators are now reviewing reports of other potential side effects from the vaccine. “We are encouraged that it hasn’t been an overwhelming number of cases but we’re looking and seeing what’s come in,” said Dr. Rochelle Walensky, CDC Director. As of Thursday, April 22, use of the J&J vaccine was still suspended; a CDC advisory panel is meeting today to review the data and make a recommendation on the vaccine’s future. *(Source: St. Louis Post-Dispatch, April 19, 2021).*

Experts predict regulators will clear the Johnson & Johnson vaccine for continued use, but alongside warnings or restrictions. “I don’t want to get ahead of the C.D.C. and the F.D.A. and the advisory committee,” said Dr. Fauci, the White House Chief Medical Advisor and a leading infectious disease expert, but they will likely recommend “some sort of either warning or restriction” on the use of the vaccine. *(Source: nytimes.com, April 18, 2021).*

Dr. Fauci also expects all high school students to be vaccine-eligible before school begins in the fall, and younger children to be eligible no later than April of next year. *(Source: nytimes.com, April 18, 2021).*

Reports of “breakthrough infections” across the U.S. have been extremely rare. Walensky said that of the 84 million U.S. residents who have been fully vaccinated, fewer than 6,000 have tested positive for COVID-19 more than two weeks after being fully vaccinated. Though a very small percentage of people are still getting sick after being fully vaccinated, “[i]t still makes a really important point. These vaccines are working,” Walensky said. *(Source: St. Louis Post-Dispatch, April 19, 2021).*

The number of “breakthrough infections” in the U.S. is in line with expectations, according to Dr. Rachel Presti, medical director of the infectious diseases clinical research unit at Washington University. “These vaccines might be 95% effective, so they were never going to prevent all cases,” Presti said. “The numbers of infections so far seem in line with the efficacy of the vaccines.” *(Source: St. Louis Post-Dispatch, April 19, 2021).*

Worldwide news on the virus is grim. Last week, more new coronavirus cases were reported around the globe than in any other seven-day period since the start of the pandemic, according to data from the World Health Organization. The number reported last week, 5.24 million new cases globally, broke the previous record set during the week of December 28, 2020, when 5.04 million new cases were reported. This latest surge is driven by an outbreak in India, which currently accounts for nearly one-third of all new cases worldwide. *(Source: nytimes.com, April 21, 2021).*

On Thursday, April 22, India’s outbreak continued to get worse, when more than 310,000 new infections were reported. That surpasses the previous one-day high of 300,669 recorded cases—set in the U.S. on January 8, according to a *New York Times* database. *(Source: nytimes.com, April 22, 2021).*

One new concern: nearly 8% of (or 5 million) Americans who got the initial Pfizer or Moderna shots have missed their appointments to receive their second doses of the COVID-19 vaccines. While a single dose provides partial protection against COVID, there is much concern when the second dose is not taken. “I’m very worried, because you need that second dose,” said Dr. Paul Offit, a professor at the University of Pennsylvania and a member of the Food and Drug Administration’s vaccine advisory panel. *(Source: New York Times, April 23, 2021).*

IN CONCLUSION

This community is certainly not out of the woods yet when it comes to COVID. While society's most vulnerable members (i.e., those who are 65 years and older and/or medically compromised) have seen their numbers plummet, younger individuals, have seen very concerning increases. Fortunately, due to their youth and better health, increases in the number of hospitalizations have not been dramatically high.

Infectious disease experts have warned that the increase in COVID numbers in the U.S. will continue if the public continues to let down their guard. (This concern holds true for everyone, including vaccinated individuals...) Many people, suffering from pandemic fatigue, have failed to heed the simple demands of masking and social distancing. Many have also not taken advantage of the opportunity to be vaccinated.

Courthouse staff members are all expected to have had their necessary shots by the end of next week. Thus, they will have the opportunity to be fully vaccinated by mid-May.

Jury trials have finally begun in St. Louis County last week, after a thirteen-month hiatus. The St. Louis County Department of Public Health supports the court's measured commencement of jury trials, as presented in the court's Administrative Order No. 21-7. While in Phase Two, defendants who are confined at the Jail will be brought to the Courthouse for trial, but only at the rate of two jury trials at any given time.

Discussions have begun for planning for Phase Three, with a watchful eye, however, on the increasing COVID-19 numbers...

After the aforementioned consultation and consideration, the 21st Judicial Circuit will remain in Operating Phase Two on April 23, 2021. The Court's phase status will continue to be reviewed weekly on an ongoing basis.
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Michael D. Burton, Presiding Judge of the 21st Circuit Court
St. Louis County, Missouri
April 23, 2021

SO ORDERED:


Judge Division 16
April 23, 2021

(Continued)

WHAT DOES PHASE TWO ALLOW BEYOND WHAT PHASE ONE ALLOWED?

According to the Missouri Supreme Court's May 4, 2020 Operational Directives (which were ultimately modified on July 24, 2020 and March 26, 2021), during Phase One, most in-person proceedings must be suspended, with very few designated exceptions. Only the "most critical in-person proceedings could occur." The Supreme Court ultimately made it clear to presiding judges that Phase One does not allow for any jury trial exceptions whatsoever.

The Court did not suspend court operations even during Phase Zero; it simply indicated that proceedings continue, but through video conferencing and other means. That is still the case for most proceedings during Phase Two.

Court operations during Phase Two do not significantly change from those permitted in Phase One. Increased in-person proceedings, including the "most extraordinary, pressing and urgent ... petit jury proceedings" can additionally be heard. Through its various administrative orders, including AO Nos. 20-54 and 21-7, certain criminal cases have been deemed to be "extraordinary, pressing and urgent" and ready for trial shortly after the Circuit enters into Phase Two. These all involve confined defendants, many of whom have filed motions for speedy trials.

According to the Operational Directives, these aforementioned prioritized criminal trials can only be heard during Phase Two "where they can safely be conducted in compliance with social distancing protocols and occupancy rate limitations applicable to the local community." Occupancy rates in courtrooms, jury assembly rooms, jury deliberation rooms, break rooms and other court areas must be 25 people or less, whenever possible.

The St. Louis County Courthouse is not closed to the public. People may enter the building to file pleadings, motions and responses. Petitioners may enter the building to file for *ex parte* (temporary) orders of protection, as the Adult Abuse Office remains open.

Due to the current pandemic, however, this court strongly encourages the public to visit the St. Louis County Circuit Court's website. The website provides means to participate in proceedings and avoid physically entering the building. For example, petitioners can obtain orders of protection through online filing.

To improve access to justice during the pandemic, secure computer stations ("E-Court") are now available on the street level of the St. Louis County Courthouse to allow members of the public to participate in live court proceedings, including criminal preliminary hearings, small claims, landlord-tenant and order of protection dockets. Court staff members are available to assist litigants in connecting to their hearings before the judges.

This Court has established another Access to Justice site in the County, outside of the Courthouse, in the St. Louis County Government Center at the Crossings in the old Northwest Plaza in St. Ann, MO. At that location, a similar "E-Court" set of secure computer stations are available for litigants, connecting them to the live proceedings in the Courthouse in Clayton. Court staff members are available to assist litigants in connecting to their hearings.

Victims of domestic violence can now seek temporary (*ex parte*) orders of protection at the Northwest Crossings location. Court staff members are now available to assist litigants in completing their petitions for orders of protection. Domestic violence victim advocates are available to assist with safety planning and providing resources.