



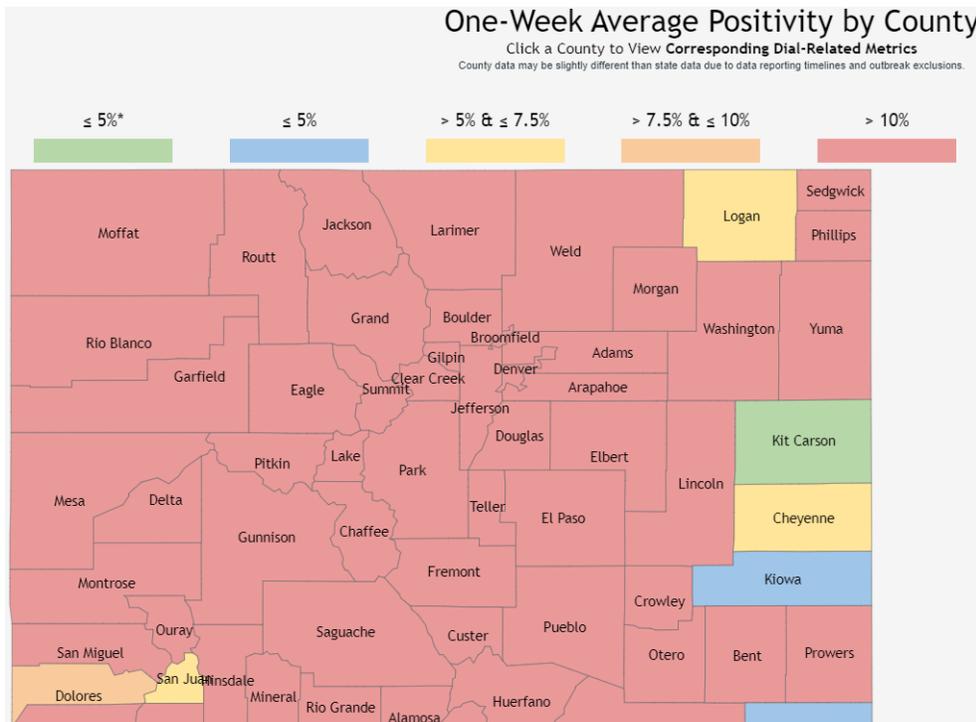
EL PASO COUNTY AND TELLER COUNTY COMBINED COURTS
FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

CHIEF JUDGE ORDER 2022-3

RE: JURY TRIALS SCHEDULED JANUARY 18th–28th, 2022

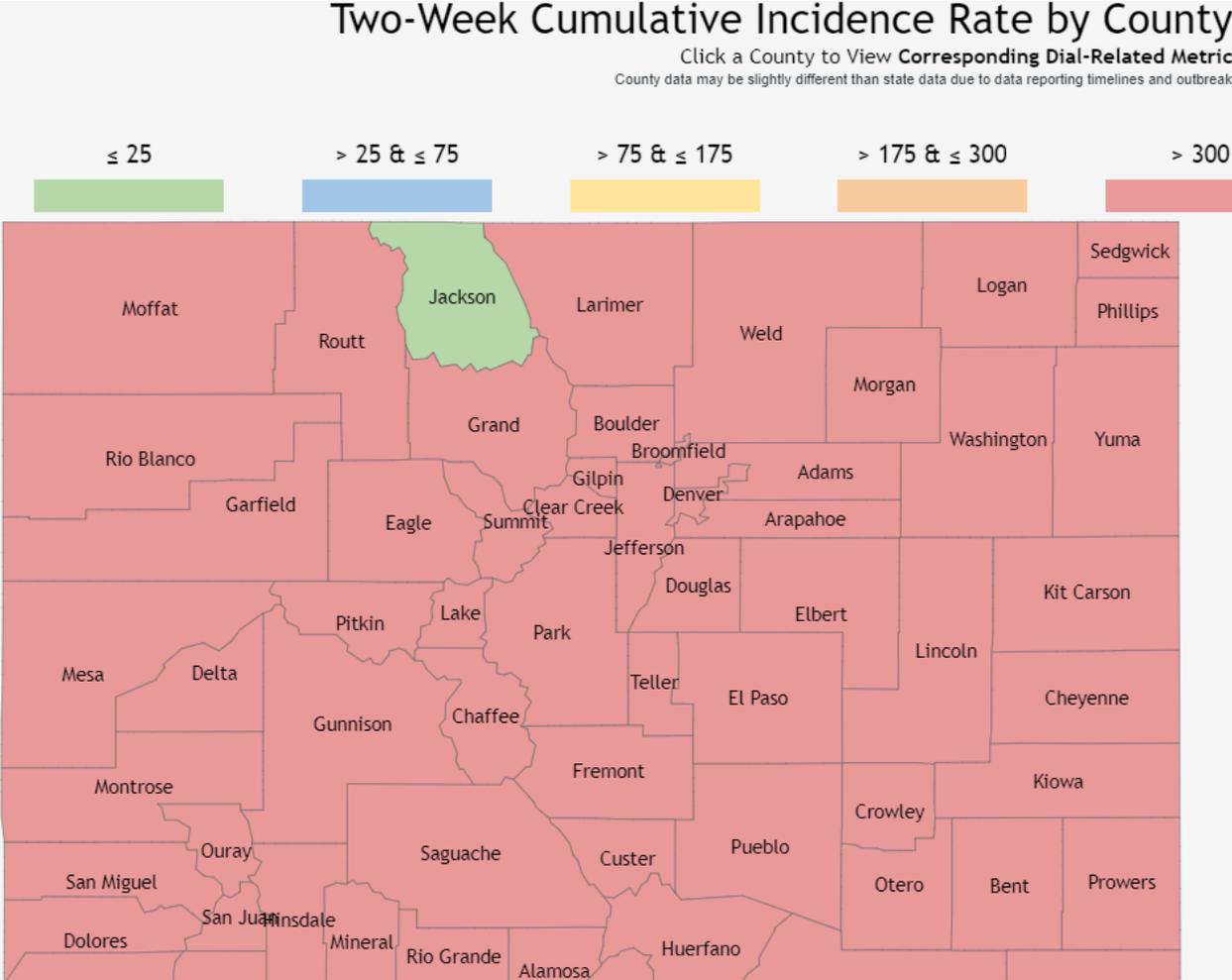
Based on the continuing rise in Covid-19 incidence and positivity rates in both El Paso and Teller counties, I find that the courts for the Fourth Judicial District are still not able to safely assemble jurors in the 4th Judicial District.

According to the Colorado Department of Health, El Paso County has had a positivity rate of 33.4% and Teller County has had a positivity rate of 22.3% over the past week:



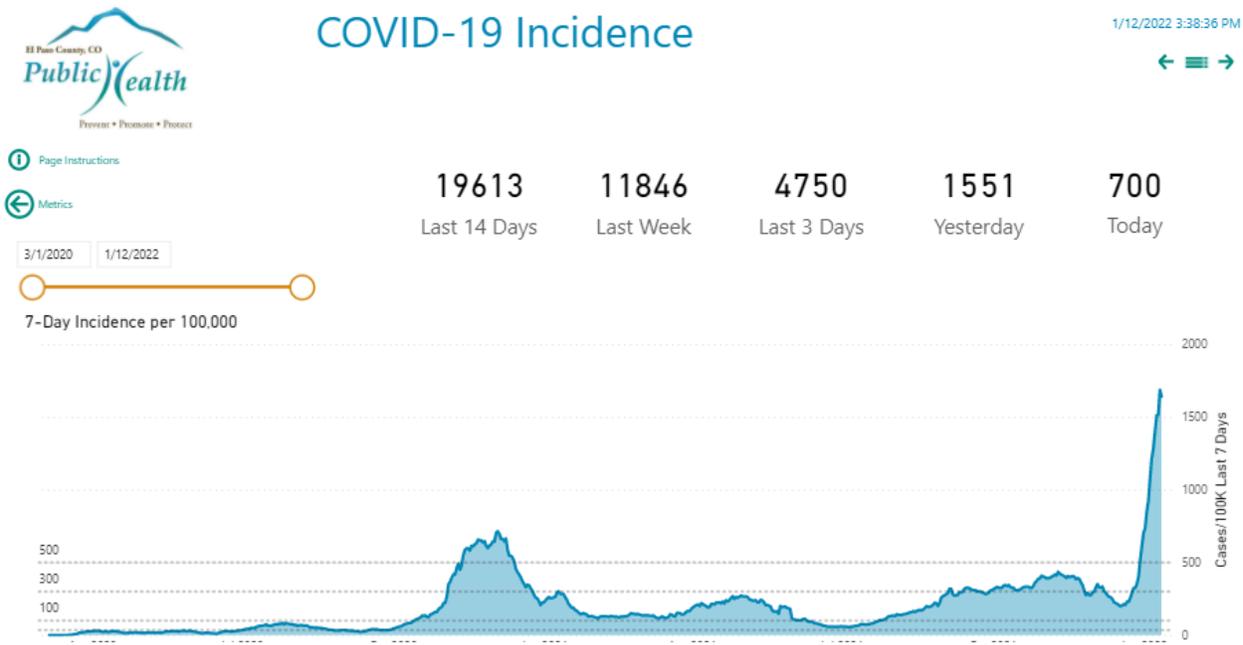
<https://covid19.colorado.gov/data/covid-19-dial-dashboard>

According to the Colorado Department of Health, El Paso County has had an incidence rate of 2,740 per 100,000 and Teller County has had an incidence rate of 1,303 per 100,000 over the past two weeks:



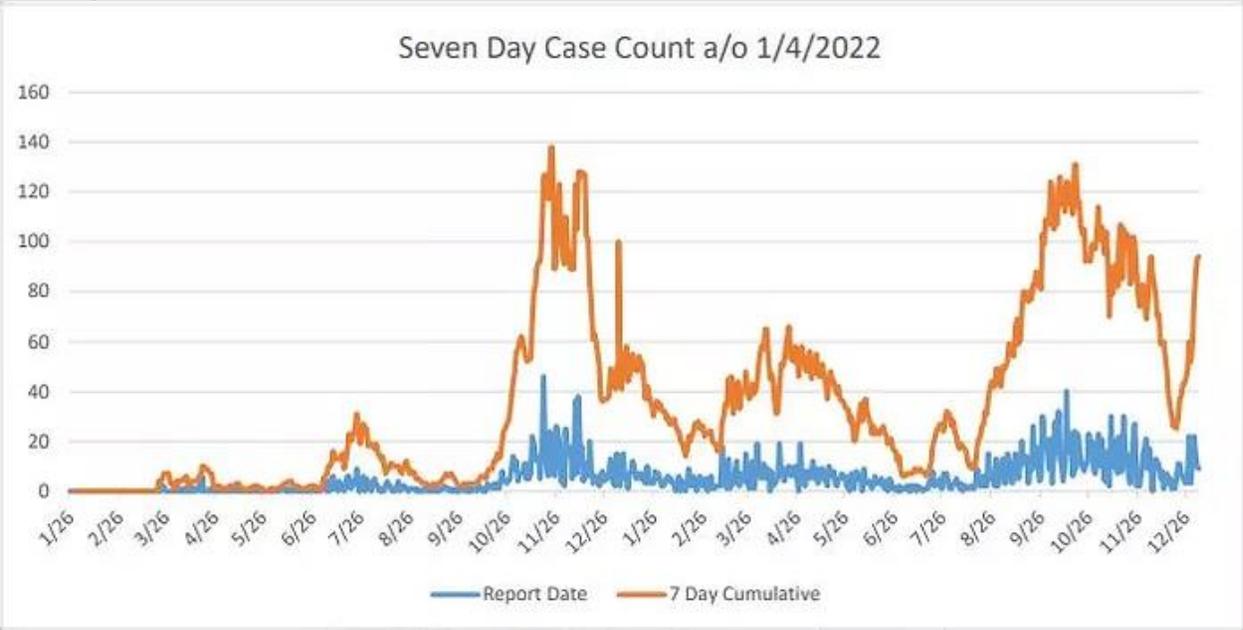
<https://covid19.colorado.gov/data/covid-19-dial-dashboard>

A graph from the El Paso County Department of Health website continues to reflect the rapidity and magnitude of this rise as of January 12, 2022:



<https://www.elpasocountyhealth.org/covid19data-dashboard>

A graph from the Teller County Department of Health website reflects the same rise, as of January 4, 2022:



<https://www.tellerCovid.com/>

According to the website for the Centers for Disease Control and Prevention regarding the Omicron variant prior to Christmas Day¹:

Since its identification in November 2021, the Omicron variant has been reported in South Africa, Botswana and numerous countries where it is driving rapid epidemic growth. In the U.S., the variant has been found in the majority of U.S. states (2). The Omicron variant is increasing in the percent of circulating SARS-Cov-2 viruses in the United States. S-gene Target Failure (SGTF) is a marker for identifying Omicron cases. Preliminary analysis of SGTF data from testing completed through a national chain of pharmacies also observes regional increases in this proxy measure of the Omicron variant. Modeling of both genomic surveillance and SGTF data predict that Omicron will become the most common variant nationally by December 25, 2021, with some regions exceeding this threshold earlier. Furthermore, multiple large clusters of Omicron variant cases have demonstrated the rapid spread of the virus. Upcoming holiday gatherings may further accelerate these trends.

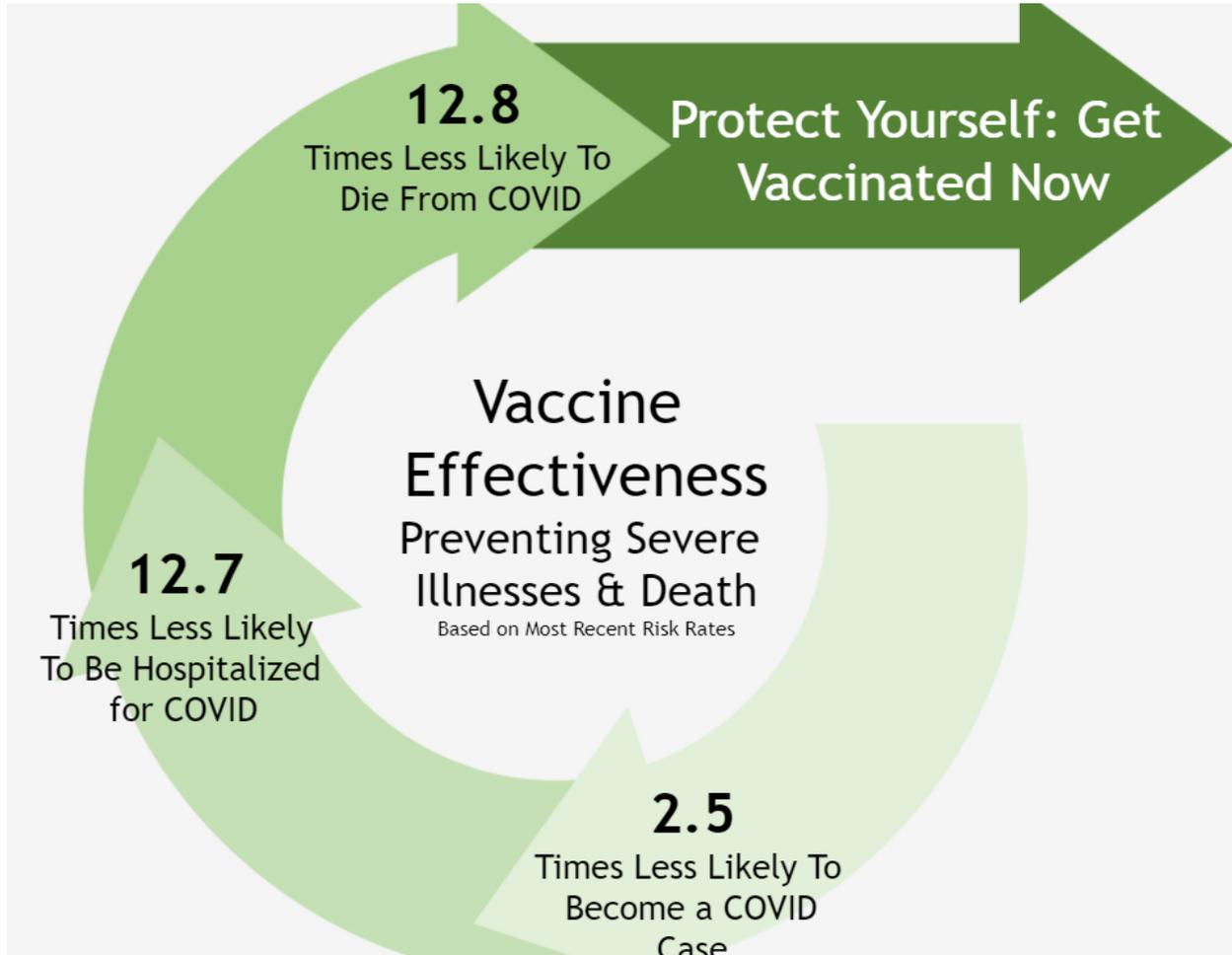
The rapid growth rate in Omicron infections is believed to result from a combination of increased transmissibility and the ability to evade immunity conferred by past infection or vaccination (i.e., immune evasion). Data from laboratory experiments and epidemiologic investigations suggest a greater role for immune evasion than increased transmissibility; immunity conferred by prior infection or vaccination is likely to be reduced compared with Delta but not completely overcome. Data also show that vaccinated people who either receive a booster dose or who were also previously infected are likely to have stronger protection against Omicron.

The clinical severity profile of Omicron infection will strongly influence its impact on future U.S. hospitalizations and deaths. At present, early data suggest Omicron infection might be less severe than infection with prior variants; however, reliable data on clinical severity remain limited ¹². Even if the proportion of infections associated with severe outcomes is lower than with previous variants, given the likely increase in number of infections, the absolute numbers of people with severe outcomes could be substantial. In addition, demand for ambulatory care, supportive care for treatment of mild cases, and infection control requirements, quarantining/isolation of exposed/infected workforce could also stress the healthcare system. These stresses likely will be in addition to the ongoing Delta variant infections and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/science/forecasting/mathematical-modeling-outbreak.html>

a rising burden of illness caused by other respiratory pathogens, such as influenza, which have begun circulating at greater frequencies.

In addition, those not fully vaccinated continue to experience hospitalization and death at much higher rates than those fully vaccinated²:

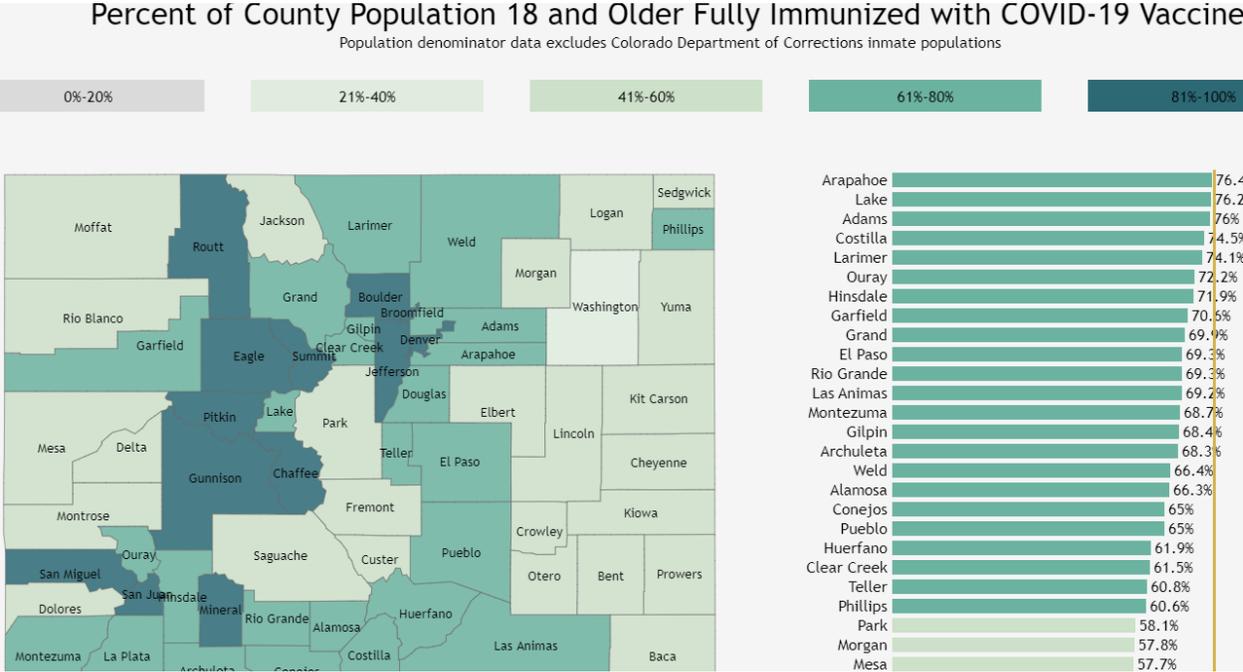


<https://covid19.colorado.gov/vaccine-breakthrough>

² Unlike the delta variant, where 80-90% of Covid-positive patients were admitted to the hospital primarily for treatment of the virus, only 65% of those testing positive for the omicron variant have been hospitalized primarily for Covid treatment. The other 35% were hospitalized for a separate malady and then incidentally tested positive for Covid. Nevertheless, those with Covid who are unvaccinated are experiencing far worse outcomes upon hospitalization than those who have been fully vaccinated.

(<https://www.thedenverchannel.com/news/local-news/more-colorado-hospitals-seeing-incidentally-covid-cases-among-patients-admitted-for-other-things>)("More than 95% of the 75 patients in UHealth intensive care units last week were not vaccinated, the hospital system said.")

In El Paso County, only 69.3% of the population age 18+ have been fully vaccinated and in Teller County, only 60.8% have:



<https://covid19.colorado.gov/data/covid-19-dial-dashboard>

Pursuant to the authority provided to Chief Judges by the Chief Justice of the Colorado Supreme Court through Chief Justice Directive 95-01, *Authority and Responsibility of Chief Judges* and based on the data set forth in this order, I hereby order that all jury calls in the Fourth Judicial District shall be suspended through January 28, 2022.

DONE AND SIGNED ON THIS 13th DAY OF JANUARY, 2022.



 WILLIAM B. BAIN
 Chief Judge, Fourth Judicial District