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District Court, El Paso County, State of Colorado Court Address: P.O. Box 2980 270 South Tejon Colorado Springs, CO 80903-2203 Phone Number: (719)452-5000	DATE FILED: April 9, 2020 11:50 AM
PEOPLE OF THE STATE OF COLORADO, Plaintiff, vs. Letecia Stauch, Defendant.	▲ COURT USE ONLY ▲ Case Number: 20CR1358 Div.:15S Ctrm: S403
[D-09] ORDER REGARDING MOTION TO RECONSIDER	

This matter comes before the Court pursuant to Stauch's Motion to Reconsider the Court's O-7 Order to reschedule the April 14, 2020 Status Conference that had been previously scheduled in this case. The Court has reviewed the Motion and Response.

Counsel and the parties last appeared in this case on March 11, 2020. Charges were filed at that time. The People advised the Court that there was a large amount of discovery in the case. Stauch is entitled to a proof evident presumption great hearing regarding the charge of First Degree Murder and a preliminary hearing on the remaining felony charges. Because of the desire to review the discovery prior to proceeding to the hearing, Stauch waived the time requirements related to scheduling the hearing but retained the right to such a hearing. Upon agreement of counsel, the Court set the matter for a Status Conference to take place on April 14, 2020. The sole purpose of the hearing was to determine the status of the release of the discovery and set the matter for a proof evident presumption great and preliminary hearing.

Much has happened since March 11, 2020.

¶5 COVID-19, a respiratory disease caused by a novel coronavirus, was first detected in December 2019. Like other respiratory illnesses, COVID-19 is transmitted by close exposure to a person with the virus, particularly an infected person's respiratory droplets from coughing or sneezing. COVID-19 may also be transmitted by touching a surface that has the virus on it and then touching one's mouth, nose, or eyes. Symptoms include fever, coughing, and difficulty breathing. COVID-19 can be mild, but for some individuals, COVID-19 can be severe enough to require hospitalization and can result in death.

¶6 Over the last few months, this highly contagious disease has spread across the globe to over 200 countries, including the United States, and has already claimed tens of thousands of lives.

¶8 On March 3, 2020, Governor Jared Polis ordered the Office of Emergency Management to activate the State Emergency Operations Plan. On March 5, Colorado identified its first COVID-19 case. By March 10, Governor Polis had declared a statewide disaster emergency due to the virus. The following day, the World Health Organization officially declared COVID-19 to be a pandemic, and Colorado had 33 identified cases. By Saturday, March 14, Colorado had 101 reported cases of COVID-19 and 1 death.... COVID-19 can spread quickly through the personal contact that occurs when large numbers of people congregate in enclosed spaces...

¶9 On March 15, the Colorado Department of Public Health and Environment (“CDPHE”) issued guidance recommending that events of fifty or more people be postponed or canceled. On March 16, the CDPHE issued an order closing bars, restaurants, theaters, gyms, and casinos. The same day, the Chief Justice of this court issued an order suspending certain court operations, including jury trials not subject to imminent criminal speedy-trial deadlines.

¶10 On March 18, the CDPHE issued a public health order limiting gatherings to no more than ten people. Individuals have been asked to practice “social distancing”—maintaining a physical distance of six feet or more from other people—to curb transmission and slow the rate of infection. Between March 18 and 25, the Governor issued a series of executive orders suspending in-person instruction in public schools, amending an earlier order closing ski resorts, canceling all non-essential surgeries, suspending certain regulations, limiting evictions, foreclosures, and public utility disconnections, and ordering employers to reduce their in-person workforce by fifty percent. And on March 25, consistent with action taken in other states, the Governor ordered all Coloradans to “stay at home, subject to limited exceptions such as obtaining food and other household necessities, going to and from work at critical businesses, seeking medical care, caring for dependents or pets, or caring for a vulnerable person in another location.”

¶11 Despite these efforts, as of March 31, Colorado has amassed more than 2,900 COVID-19 cases and 69 deaths. *In Re: Interrogatory on House Joint Resolution 20-1006*, 2020 CO 23, ¶¶ 5-11 (Colo. Apr. 1, 2020)(footnotes omitted)

On March 16, 2020, Colorado Supreme Court Chief Justice Nathan Coats issued a Directive significantly curtailing normal operations of all courts in the State of Colorado and clearly stated that the Courts would be operating on “an emergency basis.” The Directive did set forth a description of the kinds of cases and hearings that would continue to occur due to constitutional concerns. A routine Status Conference is not one of those listed. On April 1st, Judge William

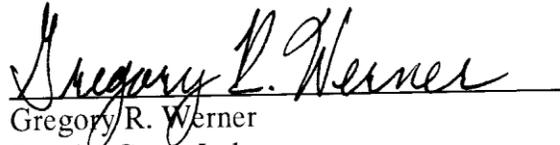
Bain, the chief judge of the Fourth Judicial District, issued Chief Judge Order No. 2020-15, "Order Finding COVID-19 Precludes the Calling of Jury Panels for Trials Scheduled April 6, 2020 Through April 17, 2020." That Order specifically put in place the extraordinary step of prohibiting jury trials between April 6 and April 17, 2020.

From this Court's perspective, if the COVID-19 concern is significant enough to dramatically impact statewide economic activity, limit social gatherings and preclude the calling of jurors during the time period when the Status Conference is scheduled to be held, it seems prudent to vacate a routine hearing at which a proof evident presumption great and preliminary hearing would simply be scheduled for a future date.

The Court previously provided counsel with dates upon which the Status Conference could be rescheduled. Stauch has requested a date for a proof evident presumption great and preliminary hearing. The Court will offer those same dates. Within 14 days from the date of this Order, Counsel are ORDERED to discuss their availability with each other first and then contact the staff of Division 15 and schedule the proof evident presumption great and preliminary hearing to commence on June 5, 2020 at 9:00 a.m., June 11, 2020 at 9:00 a.m., June 15, 2020 at 9:00 a.m. or June 18, 2020 at 9:00 a.m.

SO ORDERED this 9th day of April, 2020.

BY THE COURT:



Gregory R. Werner
District Court Judge