

SIXTH JUDICIAL DISTRICT  
ARCHULETA, LA PLATA, AND SAN JUAN COUNTIES

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ADMINISTRATIVE ORDER 2021-12

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AMENDED ORDER REGARDING COURT OPERATIONS IN THE SIXTH JUDICIAL  
DISTRICT DURING THE REMAINDER OF THE COVID-19 PANDEMIC

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Pursuant to the authority granted to the Chief Judge of the Sixth Judicial District by the Chief Justice of the Colorado Supreme Court in his Updated Order Regarding COVID-19 and the Operation of Colorado State Courts dated May 6, 2021, and considering the current state of new COVID-19 infections, vaccination rates, and COVID-19 test positivity rates in La Plata County, and considering all applicable executive and public health orders, the Chief Judge of the Sixth Judicial District has determined that the Sixth Judicial District can safely allow additional persons into the courtrooms during hearings and trials and safely hold a greater number of jury trials than was safe to hold during the height of the COVID-19 pandemic. This order has been promulgated after consultation with the judges and staff in the Sixth Judicial District, San Juan Basin Health Department, the District Attorney's Office of the Sixth Judicial District, and the Durango Regional Office of the Colorado State Public Defender. This order is subject to modification depending upon the level of COVID-19 contagion within the Sixth Judicial District and surrounding areas and will also be modified to comply with any future executive and public health orders. This order replaces all previous orders regarding the conduct of court appearances, court trials, and jury trials which were issued in response to the COVID-19 pandemic.

For the purposes of this order:

"Fully Vaccinated Against COVID-19" means two weeks after administration of an individual's second dose of a two-dose COVID-19 vaccine series or two weeks after administration of an individual's single-dose COVID-19 vaccine.

Until the expiration of the Chief Justice of the Supreme Court's Order Regarding Safety in Colorado Courthouses dated May 17, 2021, that is currently scheduled to expire on June 19, 2021, all persons entering into and remaining within any public areas of the La Plata County Courthouse shall wear a facial covering unless exempt from doing so pursuant to Administrative Order 2020-7. Courthouse security shall ensure that persons coming through security are wearing a complying facial covering unless exempt from doing so pursuant to Administrative Order 2020-7. Starting upon the expiration of the Chief Justice's Order, courthouse security shall inform all members of the public entering a courthouse in the Sixth Judicial District that unless they are fully vaccinated, they must wear a facial covering complying with Administrative Order 2020-7.

Any person that appears to be ill who wishes to come into the courthouse shall have their temperature taken via touchless thermometer and screened as follows:

## HEALTH ASSESSMENT

1. Body temperature of 100.4 degrees F or higher, or any sense of having a fever;
2. New muscle aches/fatigue that cannot be attributed to a specific activity like physical exercise;
3. A cough or shortness of breath;
4. Chills;
5. Bouts of diarrhea, nausea, or vomiting;
6. Loss of sense of smell or taste;
7. Congestion or runny nose; or a
8. Headache.

**ARE YOU CURRENTLY EXPERIENCING ANY OF THE ABOVE SYMPTOMS OR HAVE YOU EXPERIENCED ANY OF THESE SYMPTOMS WITHIN THE LAST 14 DAYS?**

YES  NO

Any person answering “yes” above shall not be allowed into the courthouses of the Sixth Judicial District, and if they have been summoned, subpoenaed, or otherwise ordered to appear within the courthouse, courthouse security shall direct such persons to contact their attorney, probation officer, bailiff, and/or the court clerk by telephone to ensure that their failure to appear as required by law is excused by the court.

Persons summoned for jury duty will be allowed to request a continuance of their jury service for personal health reasons and/or if they reside with a vulnerable individual. “Vulnerable individuals” are:

1. Individuals who are 65 years old or older;
2. Individuals with chronic lung disease or moderate to severe asthma;
3. Individuals who have a serious heart condition(s);
4. Individuals who are immunocompromised;
5. Individuals who are pregnant;
6. Individuals who live in a nursing home or long-term care facility;
7. Individuals with severe obesity (body mass index of 30 or higher);
8. Individuals with diabetes;
9. Individuals with chronic kidney disease;
10. Individuals with liver disease;
11. Individuals determined to be high risk by a licensed healthcare provider;
12. Individuals caring for a “vulnerable individual.”

Prior to coming to court, jurors, attorneys, parties, and witnesses shall self-screen to determine if they have symptoms of COVID-19. All persons, including court and probation

staff, coming to court shall evaluate whether they or anybody with whom they live have any of the COVID-19 symptoms listed on the questionnaire above. If any persons involved in a court appearance or any persons who are not fully vaccinated reside with anyone who exhibits one or more of these symptoms, such person shall not come to court. Instead, such person shall call and inform the Court, bailiff, or appropriate attorney that they did not pass their self-screening protocol. Such person need not disclose their specific symptom(s) and the party that such individual has called shall not ask them to do so.

All persons required to wear facial coverings pursuant to this order shall do so for the entire time they are in the courthouse unless they are speaking on the record in a hearing or trial. If individuals prefer to wear a mask while speaking on the record, they shall be allowed to do so, so long as their testimony or statements are understandable. Any witness in a criminal trial who prefers to wear a facial covering while testifying shall be allowed to wear a clear mask or clear face shield which will be provided to the witness by the Court. In criminal cases, in order to protect the defendant's confrontation rights, the defendant will not be required to wear a facial covering even if the defendant is not fully vaccinated.

Any defendant, party, or witness who has any condition that would endanger their health, should they enter the courthouse during the pandemic, shall not be required to personally appear in the courthouse unless specifically ordered to do so by the Court. Nothing in this order shall be interpreted as requiring any party to be required to disclose any health condition to any person or official.

The jury box and public seating areas of the courtrooms shall be marked by the clerk's office to designate the location where the public and jurors shall sit during hearings and trials. The seating areas shall be marked such that the public and/or jurors shall be seated three feet from other individuals in the courtroom and at least six feet from the lectern and witness stand. The presiding judge in each division may allow members of the same household to sit within three feet of one another so long as each such household group are at least three feet from other individuals in the courtrooms. For the duration of this order, the presiding judge of each division shall limit the total number of persons in each courtroom in La Plata County to no more than 43 persons in Division 2; 48 persons in Divisions 5 and 6; 50 persons in Divisions 1 and 3; and, 75 persons in Division 4.

### **Archuleta and San Juan County Jury Trials**

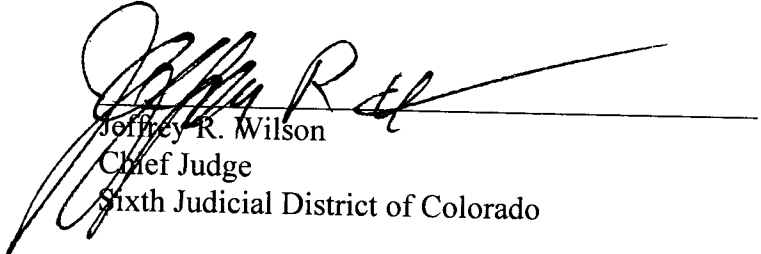
The Court finds that, due to the lack of a safe and functional courthouse in Archuleta County and due to the loss of use of a parking lot for jurors at the Pagosa Springs Community Center where the courts for the Sixth Judicial District had been picking juries prior to the pandemic, it is impossible to select juries in Archuleta County until the completion of the new courthouse in Archuleta County. No jury trials will be held in Archuleta County until construction of the new courthouse in Archuleta County is complete and the court operations have begun in the new courthouse. As of the writing of this order, it is anticipated that the Sixth Judicial District will be able to resume normal court operations in Archuleta County at the end of 2021 or early 2022.

For any Archuleta County District or County Court trials that need to be tried prior to the completion of the new Archuleta County Courthouse, the presiding judge shall determine whether venue should be changed to La Plata County pursuant to C. R. Crim. P. 21(a)(1). If venue is changed in a county court case, the Archuleta County Court Judge will be, without further order, appointed as Acting County Court Judge for La Plata County to hear the transferred case. See Chief Justice Directive 95-01(4)(ii), CRS 13-3-110, and Article VI, Sections 5(3) and (4) of the Colorado Constitution.

In the unlikely event of jury trials being requested in San Juan County during the COVID-19 pandemic, the San Juan County Courthouse is large enough to accommodate such requests with three feet of distancing between jurors and members of the public. The Court will issue appropriate orders regarding the conduct of such trials, if any are scheduled during the pendency of this order.

If appropriate, the presiding judge may modify the provisions of this order so long as the health and safety of the participants and spectators at the trial is not endangered.

APPROVED AND SIGNED this 2<sup>nd</sup> day of June, 2021.

  
Jeffrey R. Wilson  
Chief Judge  
Sixth Judicial District of Colorado