

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	DATE FILED: May 29, 2020 3:09 PM
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
	Case Number: 17CR343
Proposed Changes to Redwine Trial Procedures (C-48)	

Due to the COVID-19 pandemic, some of the procedures the Court had previously ordered to be followed during jury selection and trial of this case need to be modified to minimize the risk to the jury and other trial participants of contracting the novel coronavirus that causes COVID-19. In order to ensure that the number of people in any room does not exceed applicable Department of Health guidelines, that appropriate social distancing is maintained, and that the Court is ensuring all reasonable measures are being taken to minimize the risk of the spread of the virus, the following procedures, which may conflict with previous orders of the Court, will be followed during the trial in this case:

1. The provisions of the Chief Judge Order, entitled “PLAN FOR JURY TRIALS IN THE SIXTH JUDICIAL DISTRICT DURING THE COVID-19 PANDEMIC” that the Court intends to issue shortly shall be followed with the following deviations:
 - a. In order to keep the number of people in the courtroom below 50 and to maintain appropriate social distancing during jury selection, the prosecution shall be allowed to have a maximum of 3 attorneys and 1 investigator or support person in the courtroom. The defense shall be limited to the defendant, 2 attorneys, and 1 investigator or support person. The Court will have the judge, court reporter, 1

security officer, and 1 bailiff in attendance during jury selection, for a total of 12 people in the courtroom in addition to the jury.

- b. The initial jury selection will be in four waves each day, with three groups of approximately 60 jurors to report for the first three waves and approximately 30 jurors to report for the fourth wave of each day. Each day during jury selection, the first wave shall be scheduled to report at 8:00 AM, the second wave to report at 10:30 AM, the third wave to report at 2:30 PM, and the fourth wave to report at 4:00 PM.
- c. The jury commissioner shall call a sufficient number of prospective jurors so that the appropriate number of potential jurors can be expected to respond to their jury summons for each wave. For the first three waves of the day, 35 of the potential jurors shall be seated in the numbered seats in the Division 4 courtroom and 25 potential jurors shall be seated in the numbered seats in the Division 1 courtroom. The fourth wave shall be seated in numbered seats in Division 4. The bailiffs will write down the number of the seat in which each juror sits on that juror's summons and provide the Court the juror summonses. Court staff shall prepare a list of juror names and the number of the seat in which each potential juror sits for counsel in lieu of providing a seating chart during the first three days of jury selection.
- d. For each wave, the Court will initially conduct its voir dire with the potential jurors seated in Division 4. The Court's voir dire will be broadcast via a secure audio/video link to the potential jurors in Division 1. When the Court has completed its voir dire in Division 4, the Court, counsel, and defendant shall conduct the Court's voir dire in Division 1. The jurors that remain after the Court's voir dire will complete questionnaires and then be excused until Monday, July 13, 2020. The chairs in which potential jurors sat in each division shall then be disinfected prior to the next wave of potential jurors reporting for jury service. The first 56 jurors that remain after filling out the questionnaires shall return on Monday, July 13th at the following times:

- | | |
|----------------------|----------|
| i. Jurors 1-7 | 8:30 AM |
| ii. Jurors 8-14 | 9:30 AM |
| iii. 15-minute break | |
| iv. Jurors 15-21 | 10:45 AM |
| v. Jurors 22-28 | 11:45 AM |
| vi. 1:15 Lunch | |
| vii. Jurors 29-35 | 2:00 PM |
| viii. Jurors 36-42 | 3:00 PM |
| ix. 15-minute break | |
| x. Jurors 43-49 | 4:15 PM |
| xi. Jurors 50-56 | 5:15 PM |

If a sufficient number of potential jurors remains after individual voir dire, the bailiff shall randomly select the names of up to 38 jurors to be the presumptive jury. All jurors who remain after individual voir dire shall be directed to return to court at 8:00 AM on Tuesday, July 14th.

- e. If more than 56 jurors remain after filling out the questionnaires, the remaining jurors shall be excused until Tuesday, July 14th at 9:00 AM. An additional jury panel will be called for Tuesday, July 14th at 9:00 AM. If a sufficient number of potential jurors remains after individual voir dire, this additional jury panel and those jurors who completed a questionnaire but were not subject to individual voir dire will be excused. If an insufficient number of potential jurors remains after individual voir dire, any jurors who have filled out questionnaires will be subject to individual voir dire and, if need be, a sufficient number of potential jurors from the extra panel will fill out questionnaires and then be subject to individual voir dire.
- f. Jurors who remain after individual voir dire shall report back to Division 4 on Tuesday, July 14th or such other time as the Court may direct if additional jurors need to be subjected to individual voir dire as described in paragraph e above. The presumptive jury shall be seated in the numbered seats which correspond to the order in which the presumptive jury was selected. Any remaining jurors who have survived individual voir dire, if any, shall be excused until 2:15. If these jurors are not necessary, the bailiff will contact them during the lunch break and let them know they have been released from jury service.
- g. If the jury selection process is not delayed by paragraph e above, on Tuesday, July 14th, the following schedule shall apply:

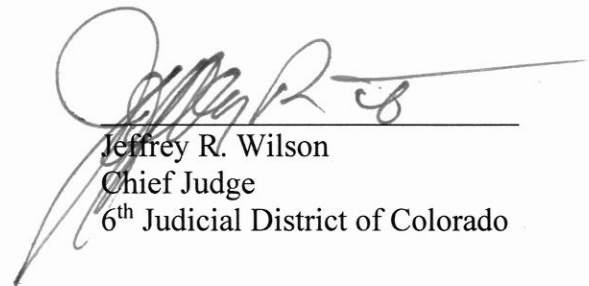
Traditional voir dire - 2 hours each side	
Prosecution	8:15
15-minute break	
Defense	10:30
15-minute break	
Exercise of Preemptory Challenges	12:45
Preliminary instructions	
To the jury from the Court	1:15
Lunch	1:30
Prosecution opening - 1 hour	2:45
Defense opening - 1 hour	3:45

The prosecution will begin presenting evidence at 8:30 AM on Wednesday, July 15th.

2. Because of the COVID-19 pandemic, the need to maintain social distancing, and the increased risk for individuals confined in enclosed spaces to pass the novel coronavirus to others, the Court vacates its previous orders regarding the transporting of jurors to and from the courthouse as well as its modified sequestration order. Members of the jury will be allowed to leave the courthouse during the lunch recesses. The jury will be instructed to enter the courthouse at an employee entrance. Because of the size of the courtroom and social distancing requirements, only two alternate jurors will be chosen.

The Court is providing this proposed order so counsel will have time to understand the Court's proposed changes to trial procedures prior to the pretrial conference. The Court will consult with counsel concerning these proposed orders during the pretrial conference prior to issuing any orders changing the procedures previously ordered.

Done and signed this 27th day of May, 2020.



Jeffrey R. Wilson
Chief Judge
6th Judicial District of Colorado