

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
	Case Number: 17CR343
October 2020 Changes to Redwine Trial Procedures (C-53)	

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 from 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 spreading 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 Second Amended Administrative Order 2020-09, entitled “PLAN FOR JURY TRIALS IN THE SIXTH JUDICIAL DISTRICT DURING THE COVID-19 PANDEMIC” shall be followed with the following deviations.
 - a. In order to limit the number of people in the courtroom to 33 persons or less, and to maintain appropriate social distancing during jury selection, the prosecution shall be allowed to have a maximum of three (3) attorneys and one (1) investigator or support person in the courtroom during the trial **after** the completion of voir dire. The defense shall be limited to the defendant, two (2)

attorneys, and one (1) investigator or support person in the courtroom during the trial **after** the completion of voir dire.

- b. While general voir dire will be broadcast via Webex Events, it will not be possible for the responses of the members of the venire seated in the rear of the courtroom to be heard over Webex. Unless the defendant waives his right for members of the public to personally attend general voir dire, there will only be room for one attorney from each side to be present during the general questioning of the venire by the Court and counsel.
- c. Starting Thursday, October 29th, through Friday, November 6th, the jury commissioner will call three waves of venire large enough for 33 jurors in each wave. The jurors will be called at 8:00AM, 11:00AM, and 2:30 PM. The jury commissioner will randomly assign jurors to assigned seats in Division 4 or the basement training room. For each wave, the Court will conduct its voir dire in Division 4 and, upon completing its voir dire in Division 4, give the remaining members of the venire a questionnaire who will then be excused upon its completion. Upon being excused, each member of the remaining venire shall be assigned a number, told when to return for individual voir dire, and provide the bailiff contact information. The proceedings in Division 4 shall be broadcast via Webex to the basement training room and available for counsel and the public to observe. The members of the venire in the basement training room shall then be brought into Division 4 where the process shall be repeated. If by Tuesday, November 3rd, 56 or more members of the venire remain, the Court shall begin individual voir dire on Wednesday, November 4th. If insufficient members of the venire remain as of November 4th, the Court shall continue its voir dire of the venire until a sufficient number of the venire remain to begin individual voir dire.
- d. Individual voir dire shall be held in the basement training room and up to three (3) members of each litigation team may be present during individual voir dire. Individual voir dire shall not be broadcast via Webex. Individual voir dire shall be limited to five minutes per juror per side with the individual questioning being limited to the juror's responses, or lack of responses, on their questionnaire.

Schedule for individual voir dire:

Wednesday November 4th

Time	Numbers
8:00 - 9:00	1-6
9:00 - 10:00	7-12
10:00 - 10:15	Break
10:15 - 11:15	13-18
11:15 - 12:15	19-24
12:15 - 1:15	Lunch

1:15 - 2:15	25-30
2:15 - 3:15	31-36
3:15 - 3:30	Break
3:30 - 4:30	37-42
4:30 - 5:30	43-48

Thursday, November 5th

Time	Numbers
8:00 - 9:00	49-54
9:00 - 10:00	55-60
10:00 - 10:15	Break
11:15 - 12:15	61-?

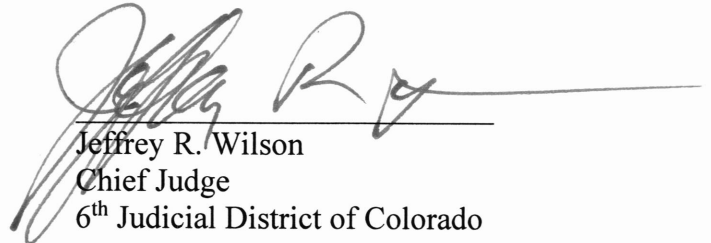
- e. After individual voir dire, the bailiff shall randomly assign numbers to the jurors who remain. The first 33 shall be called for the voir dire of the attorneys starting at 8:00 AM on Friday, November 6th. The remaining jurors shall report to the courthouse at 2:00 PM on Friday, November 6th. At 8:00 AM, juror numbers 1 - 19 shall be seated in Division 4 with the remaining jurors seated in the basement training room listening to the proceedings via Webex. Counsel shall be limited to 45 minutes of voir dire as to the first 19 members of the venire located in Division 4. After the defense has completed its voir dire, the parties shall begin to exercise their seven (7) peremptory challenges as to the 19 persons seated in Division 4. Counsel may exercise as many or as few peremptory challenges as they wish as to the initial 19 persons, but any members of the venire that have been accepted by counsel and remain in Division 4 after the exercise of peremptory challenges cannot be challenged after additional jurors replace the excused jurors.
- f. The bailiff will then replace excused jurors with jurors from the basement training room, starting with juror number 20 who shall be placed in the lowest numbered vacant seat. The Court will grant both parties four minutes of additional voir dire for each vacant seat filled by the new jurors that have replaced excused jurors. This process shall continue until a jury of 12 and two alternates have been chosen. If necessary, the Court will utilize juror numbers 34 and above who are reporting to the La Plata County Courthouse at 2:00 PM to fill vacant juror seats using the same procedure stated above until a jury is selected.
- g. Prior to exercising peremptory challenges, the Court will grant counsel a 15-minute break to confer with co-counsel for consultation as to their strategy regarding the use of peremptory challenges.
- h. The Court expects the parties to begin giving their opening statements the morning of Monday, November 9th, with evidence to begin immediately thereafter.

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 and leave 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 order so counsel will have time to understand the Court's proposed changes to trial procedures prior to the pretrial conference. The Court doubts that just explaining how it intends to conduct the trial will be sufficient to allow counsel to have a complete grasp on the changes to jury trial procedure necessitated by the COVID-19 pandemic.

After the pretrial on Thursday, October 8th, the Court intends to again meet with as many trial counsel and support personnel from both sides as are able to attend to physically show the parties how the Court intends to conduct voir dire and the trial. It will be extremely difficult, if not impossible, to capture this meeting on the record. Therefore, after the Court has physically shown counsel how it intends to conduct the trial, the Court will reconvene the pretrial conference for counsel and the Court to place any appropriate objections or suggestions on the record.

Done and signed this 6th day of October, 2020.


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