

<p>NINTH JUDICIAL DISTRICT, COLORADO Court Address: Garfield County Courthouse 109 Eighth St., Suite 104 Glenwood Springs, Colorado 81601</p> <p>Phone Number: 970-928-3065</p> <hr/> <p>ADMINISTRATIVE ORDER</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
<p>The Honorable James B. Boyd</p>	<p>Administrative Order 20-07.01</p>
<p style="text-align: center;">OPERATIONS DURING COVID-19 PERIOD: MODIFICATION 1 TO JURY TRIAL PLAN (CORRECTED)</p>	

This order modifies certain provisions of the Jury Trial Plan adopted in Administrative Order 20-06. Except as modified here, the Jury Trial plan and Administrative Order 20-06 remain in full force and effect.

MODIFICATION 1

The 9th Judicial District (“the District”) is resuming jury trials as provided in the District’s Jury Plan as adopted by Administrative Order 20-06 and as amended in this Amendment 1 to Jury Plan. The health and safety of the public, including but not limited to prospective jurors, empaneled jurors, other courthouse users, witnesses, parties, counsel, court staff, and judges continue to be of paramount concern. The original Plan confirmed it was subject to revision upon changed circumstances and upon receipt of any information that might enhance the health and safety of all involved. The District has monitored jury trials around the State of Colorado, and the number of jury trials that have occurred has increased and continues to do so. The District has the benefit of the experiences of other districts and individual courts that guide the amendments adopted here.

PRE-TRIAL PROCEDURES

Timeline

At least through October 2020, and continuing thereafter until further order of the Chief Judge, only one jury trial per courthouse shall be underway at any one time. When multiple jury trials are scheduled at the same time or overlapping times, the selection of the particular trial to go forward will be determined as set forth in the original jury plan provisions entitled Selection of Trial(s) Going Forward. Since many variables cause jury trials to be cancelled or rescheduled as trial dates approach, jurors will be summoned for all scheduled jury trials. This will allow a needed jury trial to go forward when the first-selected trial will not proceed on the originally scheduled dates. Jury trials will be commenced only if local health conditions in the county where the trial is to proceed meet the health criteria set forth below.

Health Criteria

As the COVID-19 pandemic continues, jury trials will not commence unless conditions in the county meet certain health criteria for the county where the trial is to be held. Since the adoption of the original Jury Plan, the State of Colorado and individual counties have continued to refine their approach to data collection and analysis and continued to incorporate developing scientific evidence into risk assessment and safety planning. In this District, Garfield county and Pitkin county have adopted a “coronameter” tool to assess risk by a combination of several metrics. Each of the coronameters have four levels of risk—from lowest risk to highest risk, Comfortable, Cautious, Concerned, and Very High Risk. The State of Colorado has adopted a COVID-19 Dial Dashboard that uses similar metrics to place individual counties in one of five levels of risk and safety—from lowest risk to highest risk, Protect Your Neighbors, Safer Level 1, Safer Level 2, Safer Level 3, and Stay At Home.

For Pitkin and Garfield counties, if the overall level of the Coronameter in the applicable county is in the Concerned or Very High Risk levels, the jury trial shall not go forward on the scheduled date. If the overall level of the Coronameter is in the Comfortable level, the trial may go forward without further consultation with the Chief Judge. If the overall level of the Coronameter is in the Cautious level, the presiding judge shall confer with the Chief Judge about the circumstances of the particular case and the details of health conditions set forth in the Coronameter, and the Chief Judge will determine if the jury trial may proceed.

For Rio Blanco county, if the overall level of the Dial places Rio Blanco county in the Stay At Home or Safer Level 3 levels, the jury trial shall not go forward. If the overall level of the Dial is in the Protect your Neighbors level, the trial may go forward without further consultation with the Chief Judge. If the overall level of the Dial is in the Safer Level 1 or Safer Level 2 level, the presiding judge shall confer with the Chief Judge about the circumstances of the particular case and the details of health conditions set forth in the Dial, and the Chief Judge will determine if the jury trial may proceed.

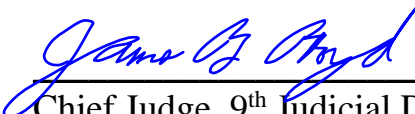
In each case, the presiding judge may select a cutoff date for the application of these health criteria. The date shall be no more than seven days prior to the first date of trial. Application of these health criteria can prohibit jury trials going forward and can require further authorization from the Chief Judge if the applicable thresholds are triggered. However, even if the health criteria or the Chief Judge authorizes a jury trial to proceed, nothing in this order limits the authority of the presiding judge in individual cases from ruling in a particular case, based on motions or otherwise and based on facts particular to the case, that a particular jury trial should not proceed as scheduled for health-safety reasons.

Administrative Order 20-06
COVID 19

As in the original plan, the health criteria thresholds in this section may be updated or modified based on guidance from the governing county health departments and CDPHE and based on new tools as they become available.

Done on September 23, 2020.

BY THE COURT



Chief Judge, 9th Judicial District