

<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 20-08</p>
<p align="center">UPDATED ORDER: SUSPENSION OF JURY TRIALS DURING COVID-19 PERIOD in GARFIELD AND PITKIN COUNTIES</p>	

This order supplements Administrative Orders 20-05, 20-06 and 20-07 on the sole issue of conducting jury trials in the Ninth Judicial District during the COVID-19 period.

The public health crisis of COVID-19 continues to exist and to worsen. The COVID-19 pandemic poses a serious threat to the health and safety of persons participating in jury trials in Ninth Judicial District courthouses. The decision to suspend the summoning of jurors to courts is not one undertaken lightly. The right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado constitutions, and it has been of paramount importance to the judges in this district to resume and conduct criminal and civil jury trials but only when the circumstances allow us to do so with appropriate mitigation of the pandemic risk.

Administrative Order 20-08
COVID 19: Update re Jury Trials

Due to the ongoing public health issues related to the COVID-19 pandemic, as discussed below, it is inappropriate at this time for the courts of the Ninth Judicial District to hear jury trials in Garfield and Pitkin counties.

On July 24, 2020, the Chief Justice of the Colorado Supreme Court adopted an updated order regarding COVID-19 and court operations. It orders, “no person shall be summoned to assemble for jury service in a state court without the authorization of the Chief Judge of the particular judicial district, following his or her determination that the jury pool in question can be safely assembled consistent with applicable executive orders and health directives.” This led to ongoing meetings including judges and stakeholders to develop the Ninth Judicial District Plan for Jury Trials During Pandemic (the Jury Plan), a plan adopted in Administrative Order 20-06. At the time Administrative Order 20-06 was adopted, reported COVID-19 cases were lower statewide, 57,041 cases, and lower in all three Ninth District counties—Garfield, 838 cases; Pitkin, 197 cases; and Rio Blanco, 23 cases.

When the District determined a written jury plan was appropriate, the District noted jury trials should proceed with “caution, with respect for the risks associated with the COVID-19 pandemic, and cognizant of the current local and state data and trends regarding COVID-19.” Administrative Order 20-05. This order also stated, “Circumstances have changed rapidly and may continue to do so. This order may be modified or updated frequently.” The circumstances have changed.

The pandemic has been the subject of numerous executive orders from the Colorado Governor and public health orders from the Colorado Department of Public Health and Environment (CDPHE). The most recent public health order, Public Health Order 20-36, was issued November 2, 2020. PHO 20-36 confirmed that, as of November 2, there had been 112,147 known COVID cases in Colorado, 9,114 hospitalizations and 2,126 deaths. Just one day later, November 3, 2020, the number of cases rose by more than 2,000 to 114,709 and the number of hospitalizations rose by 66 to 9,180. PHO 20-36 formally modified the preexisting COVID-19 Dial Dashboard into a color-coded dashboard that uses health-related metrics to place individual counties in one of five levels of risk and safety—from

lowest risk to highest risk, Level Green, Protect Our Neighbors; Level Blue, Safer at Home—Cautious; Level Yellow, Safer at Home—Concern; Level Orange, Safer at Home—High Risk; and Level Red, Stay At Home. The overall risk is determined by three metrics—the number of new COVID-19 cases per 100,000 people over a 2-week period (the incidence rate), the percent of positive test results over a 14-day period (the positivity rate), and hospitalization rates over a 14-day period.

The Dial provides information for all three counties in the Ninth Judicial District. Garfield County uses an additional risk-measuring tool, the Coronameter. It applies similar metrics to place the county in one of four color-coded risk and safety levels: Comfortable (blue), Cautious (yellow), Concerned (orange) and Very High Risk (red).

For the incidence rate to fit within the Dial's yellow risk, the incidence rate cannot exceed 175 new cases. To fit within the Coronameter's yellow risk incidence rate, the rate cannot exceed 75 new cases.

In Garfield County, as reported by CDPHE, in the period October 7 to

November 4, the COVID-19 case count rose more than 28% to 1261 cases, and as reported by Garfield County, the incidence rate rose more than 250% to 292.5. The overall level of the Coronameter is yellow, cautious; the incidence rate is red, very high risk, at a level more than 130% above the threshold for very high risk.

According to the Dial, in the month of October, the incidence rate in Garfield County moved from yellow cautious to orange concerned, and the positivity rate increased from green to yellow.

In Pitkin County, as reported by CDPHE, in the period October 7 to November 4, the COVID-19 case count rose about 32% to 302 cases. Pitkin County has adopted the Dial as its risk and safety tool. As reported by Pitkin County on November 4, 2020, the overall Dial risk for Pitkin County is orange concerned. On the Dial in this October 7 to November 4 time frame, the Pitkin County incidence rate rose from cautious yellow to the current concerned orange with a rate reported by Pitkin County of 202.7. Pitkin County reports a positivity rate increase from green to yellow. On October 30, 2020, the Pitkin County Public Health Department adopted its Eighth Amended Notice of Public Health Order First

Addendum. It acknowledges Pitkin County is experiencing a “surge” of COVID-19 cases. Though not directly applicable to court operations, it reduces gathering sizes in many circumstances to no more than five individuals from no more than two households.

In Rio Blanco County, as reported by CDPHE, in the same October 7 to November 4 period, the COVID-19 case count rose from 26 to 31. All risk measures on the Dial have remained in the green level.

The next two months include a shift in seasons when indoor activities grow more common and social distancing grows more challenging. The next two months include major holidays when adherence to risk-mitigation guidelines is more challenging.

The disease trends in Pitkin and Garfield counties and the additional information above cause the Chief Judge to conclude, for the period of time ordered, that jury pools cannot be safely assembled in these two counties. In all categories, the Dial in Rio Blanco County remains green; it is proper to allow jury trials to continue there under the requirements of the Jury Plan.

Pursuant to the authority granted in Chief Justice Directive 95-01 and Chief Justice Order dated July 24, 2020, it is hereby ORDERED as follows:

The Courts of the Ninth Judicial District that sit in **Garfield and Pitkin Counties** hereby suspend the summoning of jurors for jury trials set through **December 31, 2020. No person will be summoned to report for jury service in these courts before January 4, 2021.** Any persons with a summons to report for jury duty in Garfield or Pitkin County during this time period are not required to appear. Any juror appearing in person on a summons through December 31, 2020, shall be informed by the court or security team that the person's jury service has been cancelled and that person may return home.

Jury commissioners shall continue to summon jurors for any jury trials scheduled to begin on or after January 4, 2021. Jurors who have a jury summons for a date to appear commencing on or after January 4, 2021, should continue to monitor the Court's website for updates.

This Order creates **no change in Rio Blanco County** where jurors may be summoned and jury trials may proceed under the terms of the Jury Plan.

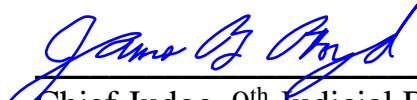
Administrative Order 20-08
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Except to confirm jurors will not be summoned and juries will not be available for the time and locations covered by this order, this order by itself does not change any settings; specific changes shall only be by order of the judge presiding over a particular case.

This order is subject to review and revision in accordance with ongoing pandemic trends and public health guidelines.

Done on November 5, 2020.

BY THE COURT



Chief Judge, 9th Judicial District