

<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 style="width: 100%; border: 0; border-top: 1px solid black; margin-top: 10px;"/> <p>ADMINISTRATIVE ORDER</p>	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
The Honorable James B. Boyd	Administrative Order 20-09
UPDATED ORDER: MODIFICATION 2 TO JURY TRIAL PLAN and SUSPENSION OF JURY TRIALS DURING COVID-19 PERIOD	

This order modifies the Plan for Jury Trials During Pandemic first adopted in Administrative Order 20-06 and previously modified in Administrative Order 20-07.01 and supplements Administrative Orders 20-05, 20-06. 20-07.01 and 20-08 on the issue of conducting jury trials in the Ninth Judicial District during the COVID-19 period.

9th DISTRICT PLAN FOR JURY TRIALS

The Jury Plan as previously adopted and modified remains in full force and effect except for the section entitled “Health Criteria” which is now modified to read in full:

Health Criteria

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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 first modification of the 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. The State of Colorado has modified its COVID-19 Dial Dashboard to place individual counties in one of six levels of overall risk and safety—from lowest risk to highest risk, Level Green (Protect Our Neighbors), Level Blue (Cautious), Level Yellow (Concern), Level Orange (High Risk), Level Red (Severe Risk) and Level Purple (Extreme Risk). The Dial relies on three underlying metrics. In this District, Garfield county has replaced its “coronameter” tool with a bar graph of overall risk that relies on seven underlying metrics. Pitkin county has discontinued use of its coronameter and now relies on the statewide Dial.

For each county in the 9th Judicial District, if the overall level of the Dial in the applicable county is in the Orange High, Red Severe or Purple Extreme Risk level, the jury trial shall not go forward on the scheduled date. If the overall level of the Dial is in the Green Protect Our Neighbors or Blue Cautious level, the trial may go forward without further consultation with the Chief Judge. If the overall level of the Dial is in the Yellow Concern 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 (as well as the bar graph in Garfield county) 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

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facts particular to the case, that a particular jury trial should not proceed as scheduled for health-safety reasons.

As in the original plan and first modification, 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.

EXTENSION OF SUSPENSION OF JURY TRIALS

The public health crisis of COVID-19 continues to exist and to worsen.

Since the Court's last order suspending jury trials entered on November 5, 2020, the total case count has risen 129% in Garfield county, 113% in Pitkin County and 574% in Rio Blanco county. As measured by the DIAL, the overall risk level has increased from Yellow to Red in Garfield county, Yellow to Orange in Pitkin county, and Green to Orange in Rio Blanco county. The incidence rate in all 9th District counties is now Level Red. The director of the Center for Disease Control, Dr. Robert Redfield, has made a public statement that he anticipates the COVID-19 pandemic will make December, January and February "the most difficult time in the public health history of this nation." Due to the ongoing public health issues related to the COVID-19 pandemic, it remains inappropriate at this time for the courts of

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the Ninth Judicial District to hear jury trials.

The disease trends in all 9th Judicial District counties and the additional information above and in the Court's prior orders cited above cause the Chief Judge to conclude, for the period of time ordered, that jury pools cannot be safely assembled in the District's three counties.

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 hereby suspend the summoning of jurors for jury trials set through **February 28, 2021**. **No person will be summoned to report for jury service in these courts before March 1, 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 February 28, 2021, 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

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scheduled to begin on or after March 1, 2021. Jurors who have a jury summons for a date to appear commencing on or after March 1, 2021, should continue to monitor the Court's website for updates.

Except to confirm jurors will not be summoned and juries will not be available for the time 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 December 13, 2020.

BY THE COURT



Chief Judge, 9th Judicial District