

<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 20-01.A</p>
<p style="text-align: center;"><b>OPERATIONS DURING COVID-19 PERIOD--SUPPLEMENT AND UPDATE:  JURY TRIALS;  EVICCTIONS;  RULE 120 PROCEEDINGS;  WARRANT APPLICATIONS.</b></p>	

On March 17, 2020, the 9<sup>th</sup> Judicial District adopted Administrative Order 20-01 about Operations during COVID-19 Period. This order is an update and supplement to that order on the issues addressed below. All provisions of Administrative Order 20-01 not changed by this order remain in full force and effect.

Information and governmental orders related to COVID-19 and its rapid spread continue on a daily or near-daily basis, including the following:

On March 25, 2020, Colorado Governor Polis issued Executive Order D 2020 17. The Governor found the actions taken to date “are not yet doing enough

Administrative Order 20-1  
COVID 19

to address the spread of the virus . . . that causes COVID 19” and concluded “additional action” is necessary. In general, the order requires all Coloradoans to “stay at home” subject to certain exceptions and called upon the Colorado Department of public Health and Environment (CDPHE) to issue a public health order to help implement the Governor’s order.

On March 25, 2020, the CDPHE issued its amended Public Health Order 20-24 to implement the stay-at-home requirements.

On March 20, 2020, the Chief Justice of the Colorado Supreme Court extended his pre-existing order suspending almost all jury calls through May 15, 2020.

Each county within the 9<sup>th</sup> Judicial District has taken action to address the spreading illness, including the following:

On March 23, 2020, Pitkin County Public Health issued its third amended standing public health order imposing a stay-at-home order.

On March 23, 2020, the Garfield County Commissioners extended their pre-existing declaration of a local disaster emergency.

By public health order, Rio Blanco County has closed some facilities and businesses and prohibited gatherings of more than ten people until April 17.

The need for additional action is underscored by the progression of the illness. As of March 25, 2020, CDPHE reported Colorado had 1,430 cases of COVID-19, including 184 hospitalizations and 24 deaths. One day later, as of March 26, these numbers increased to 1,734 cases, 239 hospitalizations and 31 deaths. An additional day later, as of March 27, the numbers increased again to 2,061 cases, 274 hospitalizations and 44 deaths. As of March 26, 2020, the Center for Disease Control (CDC) reported the United States had 85,356 cases of COVID-19, including 1,246 deaths.

These latest developments follow other widely reported developments earlier in March. The World Health Organization (WHO) designated COVID-19 a pandemic; the U.S. President declared a “national emergency”; the Colorado Governor declared a “disaster emergency.”

Public Health Order 20-24 declares it is “critical to slow transmission as much as possible.” The Order requires Coloradoans to “stay at home whenever

possible.” The Order recognizes some exceptions are needed, included exceptions for “critical governmental functions.” Critical governmental functions include “judicial branch activities.” Even when an exception applies, the order calls upon all to comply with “social distancing requirements.” Social distancing requirements include maintaining “at least a six foot distance from other individuals.” Pitkin County’s stay-at-home order contains similar exceptions. Garfield County’s declaration extends the local disaster emergency for as long as the CDPHE social distancing mandate continues or as otherwise order by the Garfield County Board of County Commissioners. Rio Blanco County Public Health anticipates the coronavirus will be present and detected in Rio Blanco County “soon.”

The expanding nature of the crisis is underscored by the quick succession of more restrictive guidelines. The stay-at-home orders were preceded first by a prohibition of gatherings exceeding 50 people and then by a prohibition of gatherings exceeding 10 people.

The ongoing and evolving nature of the public health crisis supports the following supplements and updates to Chief Judge Order 20-01.

## JURY SUMMONSES AND TRIALS

In the 9<sup>th</sup> Judicial District, the venire for a typical jury selection approaches 50 people and for a serious case can include 150 people or more. In a felony case, a jury is 12 people, and one or more alternate jurors are typically required to participate in the case. The Chief Judge of the 9<sup>th</sup> Judicial District concludes there is no reasonable procedure, or even an extraordinary procedure, through which a court in the 9<sup>th</sup> Judicial District could summons a jury, complete jury selection, seat a jury in the courtroom for presentation of a trial, or direct a jury to deliberate in a sequestered setting and simultaneously maintain a 6-foot social distance between all people and limit gatherings to 10 persons or less. Even if court operations might be excepted from the mandatory scope of some of the orders noted above, the risk issues for prospective jurors remain the same as for others, and it is unlikely the Court could obtain the appearance of sufficient jurors or an appropriate cross-section of the community to proceed.

Courts in the 9<sup>th</sup> Judicial District will not summon jurors for any jury trials set to begin on or before May 15, 2020, and any persons with a summons to report for

jury duty during this time period are not required to appear. Any juror appearing in person on a summons through May 15, 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.

This order does not change any trial settings. Unless otherwise ordered by the judge presiding over a particular case, it is ordered that the trial court shall call the case for trial on the date currently scheduled for trial, offer the defendant the opportunity to proceed to a court trial and, if the defendant declines the offer of a court trial, proceed in any manner the trial court deems appropriate—whether it be by waiver of speedy trial, declaration of mistrial due to the inability to seat a jury or otherwise. The judicial officers in the district will individually determine the status of all cases set for trial during this time period.

The provision of this order shall apply only to the county and district courts in Colorado's Ninth Judicial District and not to any municipal court located in the Ninth Judicial District.

Jurors who have a jury summons for a date to appear commencing after May 15,

2020, should continue to monitor the Court's website for updates.

#### EVICTIONS AND RULE 120 FORECLOSURE PROCEEDINGS

Courts in the 9<sup>th</sup> Judicial District will accept new filings for FED (eviction) actions. Except as provided below, the return dates for eviction cases will be on or after June 1, 2020.

Courts in the 9<sup>th</sup> Judicial District will accept new filings for orders authorizing sale under C.R.C.P 120. Except as provided below, the courts will not be addressing pending CRCP 120 matters until on or after June 1, 2020.

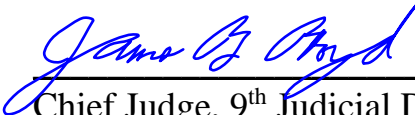
This order does not change any existing settings; nor does it limit the authority of the judge presiding over a case of these types with existing settings to reschedule proceedings on the court's own motion to a future date. This order does not preclude the filing of a motion seeking earlier action upon a showing earlier action is "necessary to prevent a substantial risk of imminent financial hardship or imminent risk to the health, safety or welfare of any individual or the community at large." Such a motion shall be decided by the judge presiding over the case.

## WARRANT APPLICATIONS

During business hours for the courts, law enforcement and district attorney applications for warrants or similar orders shall be submitted by email only to the same address used for warrantless arrest affidavits. During business hours, the officer seeking the warrant or similar order shall advise the court of the filing by calling the clerk's office in the county in which the warrant is sought. The clerk of the court shall find an available judge to address the application. The procedure for warrants and similar orders in non-business hours is not changed by this order; application shall be made to the duty judge.

Done on March 30, 2020.

BY THE COURT

  
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Chief Judge, 9<sup>th</sup> Judicial District