

The President of the United States has declared a National Emergency and the Governor of the State of Colorado has declared a State of Emergency related to the presence of, and health risk associated with, COVID 19. The Colorado Department of Public Health and Environment (“CDPHE”), and local public health departments have issued several orders both requiring and recommending certain actions to slow the spread of the disease. The Governor has issued several Executive and Public Health Orders concerning the operation of businesses and personal pursuits for all Coloradans.

As a consequence of the serious public health issues related to the COVID 19 pandemic, jury trials throughout the State of Colorado were suspended by order of the Chief Justice of the Colorado Supreme Court dated April 16, 2020, and as extended on May 5, 2020, and June 15, 2020. Pursuant to the latter of these Orders the 10th Judicial District had obtained a waiver from the Chief Justice to begin holding jury trials and the District began holding trials pursuant to that waiver and in accord with recommendations from the Pueblo Department of Public Health and Environment (“PDPHE”). On July 24, 2020 the Chief Justice issued his Updated Order Regarding COVID 19 and Operations of State Courts removing the requirement that judicial districts obtain waivers from the Chief Justice to resume conducting jury trials after August 2, 2020, provided that the Chief Judge of each district determined that a jury can be safely assembled consistent with applicable executive orders and health directives.

The judges of the 10th Judicial District recognize that the right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado constitutions. Further both defendants, victims and the People of the State deserve to have expeditious determinations of guilt and innocence. Civil trials are no less important to the parties waiting for the resolution of their disputes.

Surges in the number of COVID 19 cases are occurring both nationally and locally. The United States just reported its highest number of new COVID 19 cases in a single day on November 4, 2020 – 102,831 (John Hopkins University).

CDPHE has adopted a COVID 19 Dial which establishes a tiered system of safety precautions. The dial includes five levels, from least to most restrictive. Details for each level outline specific metrics and specific restrictions to activities. The metrics in Pueblo County indicate that the County falls somewhere between the third most restrictive level (Level Yellow – Safer at Home Concern) and the fourth most restrictive level (Level Orange – Safer at Home High Risk). Currently, the County is deemed to be at Level Yellow. The positivity rate for the last two weeks of October was 6.4% compared to 4% for the first two weeks of October. On October 29, 2020 CDPHE notified the County that additional mitigation efforts were needed to be undertaken and that if these efforts were not successful within ten days the county would be moved to a more restrictive level.

On November 4, 2020, the judicial officers of the 10th Judicial District met and are in agreement that a temporary suspension of jury trials is necessary and appropriate.

Pursuant to the authority granted in Chief Justice Directive 95-01 and Chief Justice Order dated March 16, 2020, as amended, and Chief Justice Order dated July 24, 2020, it is hereby Ordered as follows:

1. The Pueblo County Judicial Building will be open to the public from 7:30 a.m. to 5:00 p.m. Monday through Friday, excepting legal holidays. The public service counters will be open from 8:00 a.m. to 1:00 p.m. Monday through Friday. Drop boxes will be available while the building is open to accept paper filings.
2. Jury trials scheduled to commence on November 5, 2020, and prior to December 31, 2020, are hereby vacated and continued. Attorneys and parties scheduled for a jury trial during this period, if they have not already been contacted by the court, shall contact the division clerk to select a new trial date. Unless directed otherwise, parties and counsel scheduled for a criminal jury trial during this period shall appear before the Court for any trial calls, or on the first day of the scheduled trial, to address further proceedings.
3. All prior operational orders not inconsistent with this order remain in effect.

Dated: November 5, 2020, as amended November 23, 2020.

BY THE COURT:



DEBORAH EYLER
CHIEF JUDGE