



**THE SIXTEENTH JUDICIAL DISTRICT
STATE OF COLORADO
BENT COUNTY, CROWLEY COUNTY,
AND OTERO COUNTY**

**ADMINISTRATIVE ORDER
REGARDING THE SUSPENSION OF
JURY TRIALS UNDER COVID-19 ADVISORY**

2020-12

The Governor of Colorado has declared a State of Emergency related to the spread of Novel Coronavirus 2019 (COVID-19) and the President of the United States has declared a National Emergency due to COVID-19. Furthermore, the Colorado Department of Public Health and Environment (CDPHE) is working to stop the spread of COVID-19 and has implemented emergency measures as Colorado is experiencing COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the State of Colorado. The Governor of the State of Colorado has now issued several Executive and Public Health Orders concerning the operation of businesses and personal pursuits for all Coloradans. Based on their analysis of the outbreak of the COVID-19 pandemic, experts in infectious diseases are opining that the outbreak in the United States will not begin to subside soon.

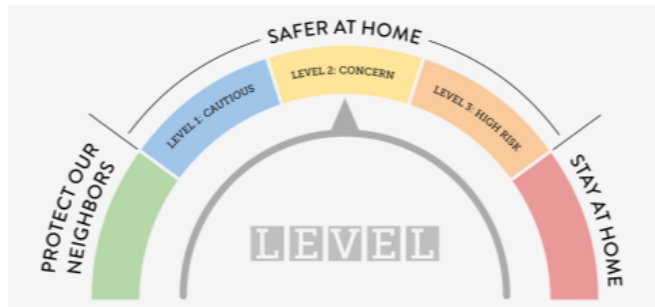
In recent days, certain key indicators maintained by the Colorado Department of Public Health and Environment (CDPHE) have shown that this virus is persistent and is spreading in our communities at an increasing rate. This Order is issued to provide guidance to summoned jurors, attorneys, litigants, and all others associated with any jury trials in the 16th Judicial District in light of the ongoing public health risk posed by the COVID-19 virus.

Much has been undertaken in an effort to combat the COVID-19 pandemic. To wit:

- **Effective September 15, 2020**, Colorado moved to a dial framework for individual county guidance to include five levels; Protect Our Neighbors (outlined in CDPHE Public Health Order 20-32), Safer at Home Levels 1-3, and Stay-At-Home. Safer-At Home guidelines are further established under CDPHE Public Health Order 20-35 (as amended October 27, 2020). PHO 20-35 identifies three levels under Safer-At-Home, including Safer-At-Home Level 1 (Cautious), Level 2 (Concern) and Level 3 (High Risk). Each of these levels outline associated public health guidelines and restrictions. Determination on county status in these levels is based on three data metrics: new COVID-19 cases over a two-week period (per 100,000 people), testing positivity rate, and impact on hospitalizations.
- **September 30, 2020**, the Court issued Amended Administrative Order 2020-10(A) regarding court operations under COVID-19 advisory. The Order outlines day-to-day operations and procedures for filing and contacting the Court. Additionally, it includes attachments for scheduled events and trial court services, and jury trial operations plans. In partnership with multiple stakeholders, including public health departments, the Court has engaged in extensive planning to safely hold jury trials in each of the district's three counties. The plans include rigorous adherence to public health guidelines regarding the wearing of PPE, sanitation, and

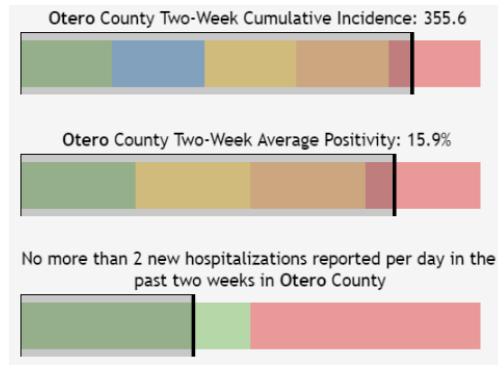
social distancing. Jury trial operations plans contain thresholds identified by public health that if met will determine if a jury trial will be canceled. The thresholds are as follows:

1. *The community is experiencing documented widespread, community transmission in the absence of evidence suggesting leveling off or going down.*
 2. *The community is not experiencing stable or declining case rates but is experiencing increasing case rates in the absence of evidence suggesting leveling off or going down.*
 3. *Viral status spread indicator has moved to high, with no sign of moving back to medium.*
 4. *An increasing average test positivity rate in the absence of evidence suggesting leveling off or going down.*
- October 30, 2020, the Director of the Otero and Crowley Counties Department of Public Health responded to the Court regarding the thresholds for cancellation of a jury trial scheduled to commence on Monday, November 9, 2020. Their determination was that criteria #1, #2, and #4 had been met, and criteria #3 was trending in the same direction.
 - November 2, 2020, the Otero and Crowley Counties Department of Public Health Director made a final recommendation that the November 9, 2020 jury trial be canceled due to “widespread community transmission of COVID-19.”
- **October 27, 2020**, the Otero and Crowley Counties Department of Public Health announced that the counties would be moving to Safer at Home Level 2 due to the increase in cases of COVID-19, effective October 30, 2020. In their announcement, the department specified that a return to Safer at Home Level 1 would not be possible until Thursday, November 6, 2020, with the stipulation that no new cases are reported before that time. Cases in Otero County from October 27, 2020 to November 2, 2020 rose from 139 to 185; in Crowley County during the same time period, cases rose from 91 to 112; Bent County cases increased from 14 to 19.

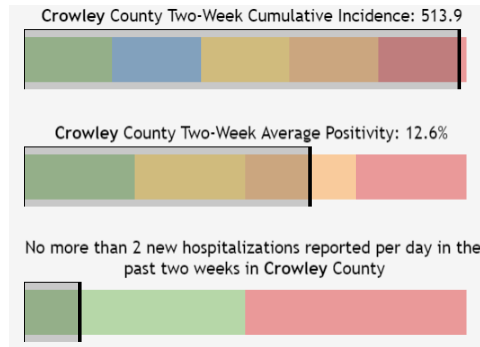


As of Tuesday, November 3, 2020, the dial framework indices status for Otero, Crowley, and Bent Counties as determined by the Colorado Department of Public Health and Environment are as follows:

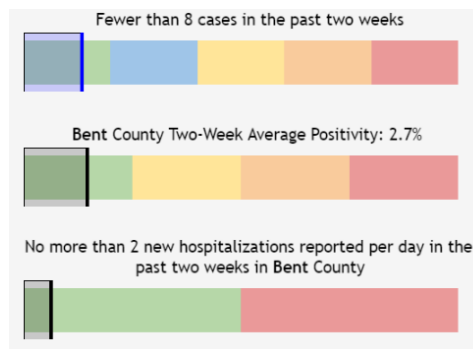
- Otero County: Two-Week Cumulative Indices Rate of 355.6/100,000 (Stay at Home – Severe); Two-Week Average Positivity Rate of 15.9% (Stay at Home – Severe); Two-Week Decrease or Stable Hospitalizations of fewer than 2 reported per day (Protect Our Neighbors – Careful).



- Crowley County: Two-Week Cumulative Indices Rate of 513.9/100,000 (Stay at Home – Severe); Two-Week Average Positivity Rate of 12.6% (Safer at Home Level 3 – High Risk); Two-Week Decrease or Stable Hospitalizations of fewer than 2 reported per day (Protect Our Neighbors – Careful).



- Bent County: Two-Week Cumulative Indices Rate of fewer than 8/100,000 (Protect Our Neighbors – Careful); Two-Week Average Positivity Rate of 2.7% (Protect Our Neighbors – Careful); Two-Week Decrease or Stable Hospitalizations of fewer than 2 reported per day (Protect Our Neighbors – Careful).



Pursuant to the authority granted in Chief Justice Directive 95-01 and the Chief Justice’s Updated Order Regarding COVID-19 and Operations of Colorado State Courts concerning jury trials dated July 24, 2020, it is hereby ORDERED as follows:

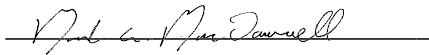
- **District and county court jury trials scheduled to commence before December 31, 2020 in**

Otero and Crowley Counties are hereby vacated and continued. The summoning of jurors for jury trials set through December 31, 2020 is hereby suspended. No person will be summoned to report for jury service before January 4, 2021.

Jury trials currently scheduled in Bent County will proceed as scheduled until such time that dial framework indices indicate that the county is experiencing a surge in cases of COVID-19 or at high-risk for community spread. The Court will seek guidance from the Bent County Public Health Department no later than Monday, November 30, 2020 regarding the Court's ability to safely hold the jury trial currently scheduled to commence on Monday, December 7, 2020.

This Order is subject to review and revision in accordance with prevailing public health guidelines from CDPHE, Otero and Crowley Counties Department of Public Health, and the Bent County Department of Public Health.

SO ORDERED this 4th day of November 2020.



Mark A. MacDonnell, Chief Judge