

<p><b>EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE, DOUGLAS, ELBERT and LINCOLN COUNTIES, COLORADO</b></p> <p>Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112</p> <p>Arapahoe County Courthouse 1790 West Littleton Boulevard Littleton, Colorado 80120</p> <p>Douglas County Justice Center 4000 Justice Way #2009 Castle Rock, Colorado 80109</p> <p>Elbert County Courthouse PO Box 232, 751 Ute Street Kiowa, Colorado 80117</p> <p>Lincoln County Courthouse PO Box 128, 103 Third Avenue Hugo, Colorado 80821</p>	<p style="text-align: center;"><b>• COURT USE ONLY •</b></p> <p style="text-align: center;"><b>Sixth Amended Chief Judge Order 20-06 October 9, 2020</b></p> <hr/> <p style="text-align: center;"><b>Division 201</b></p>
<p style="text-align: center;"><b>SIXTH AMENDED CHIEF JUDGE ORDER 20-06 FINDING PUBLIC HEALTH CONCERNS DUE TO COVID-19 PRECLUDE THE CALLING OF JURORS FOR CERTAIN JURY TRIALS IN THE EIGHTEENTH JUDICIAL DISTRICT</b></p>	

This order is issued to provide guidance to summoned jurors, attorneys, litigants, and all others associated with any jury trials in the Eighteenth Judicial District in light of the public health risk posed by the Novel Coronavirus (“COVID-19”). On July 24, 2020, the Chief Justice of the Colorado Supreme Court issued his Updated Order Regarding COVID-19 and Operation of Colorado State Courts. In that Updated Order, the Chief Justice removed the requirement that

the Chief Judges obtain a waiver to resume conducting jury trials after August 2, 2020, provided the Chief Judge of the district determines that a jury pool can safely be assembled consistent with applicable executive orders and health directives.

Prior to July 24, 2020, the undersigned sought and obtained a waiver from Chief Justice Coats to issue juror summons and resume jury trials requiring seven jurors or less for Arapahoe and Douglas Counties effective July 22, 2020.<sup>1</sup> This waiver was sought on the basis that jurors could be safely assembled, selected, and empaneled, in only those two counties, for these limited jury trials that would resume in a slow and incremental manner consistent with state and local public health guidelines. As a result, jurors were summoned for limited jury trials.

To date, thirty-one jury trials have taken place in Arapahoe County and seven jury trials have taken place in Douglas County. These jury trials have been conducted safely and successfully. Citizens in our community have responded to their juror summons and have provided invaluable feedback to assist the Eighteenth Judicial District with continued planning efforts. The Eighteenth Judicial District's careful planning and preparation has proven effective, and a slow and methodical pace has permitted us to afford constitutional and statutory rights to jury trials while maintaining public health and safety at the same time.

The Eighteenth Judicial District has considered current information from the Centers for Disease Control and Prevention and the Colorado Department of Public Health and Environment and has incorporated lessons learned from jury trials that have taken place to date. In addition, the Eighteenth Judicial District

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<sup>1</sup> The Proposal to Resume Jury Trials in Arapahoe and Douglas Counties, approved by the Tri-County Health Department, is available on the Court's website. This plan was approved by Chief Justice Coats on June 22, 2020 and has been, and will continue to be, modified and improved based upon lessons learned and feedback received after each jury trial.

has continued to consult with the Tri-County Health Department, which governs Arapahoe and Douglas Counties, and the local public health agencies that govern Elbert and Lincoln Counties. Based upon all this current information, the undersigned has now determined that jury trials may safely continue to resume in a greater capacity across the Eighteenth Judicial District. Given the constitutional and statutory rights to jury trials and the need to secure those rights as expeditiously as feasible, it is imperative to continue to move forward, but at a mindful pace.

### **County Court, Juvenile and Civil Jury Trials**

County court, juvenile, and civil jury trials are authorized to take place at the Arapahoe County Justice Center, the Douglas County Justice Center, the Elbert County Courthouse, and the Lincoln County Courthouse. Until further notice, all civil jury trials that take place across the Eighteenth Judicial District should be completed in one calendar week between Monday and Friday, and a jury must be seated from a pool of no more than 50 prospective jurors.

### **Felony Jury Trials in Arapahoe and Douglas Counties**

Felony jury trials are authorized to continue at the Arapahoe County Justice Center and the Douglas County Justice Center. Through October 29, 2020, the jury trials that may proceed at either courthouse should be completed in one calendar week between Monday and Friday, and a jury must be seated from a pool of no more than 50 prospective jurors. **Effective October 30, 2020**, felony jury trials are authorized to continue at the Arapahoe County Justice Center and the Douglas County Justice Center **absent the above parameters**.

## Felony Jury Trials in Elbert and Lincoln Counties

Effective **October 26, 2020**, felony jury trials may proceed at both the Elbert County Courthouse and the Lincoln County Courthouse. However, these trials must be completed in one calendar week between Monday and Friday, and a jury must be seated from a pool of no more than 50 prospective jurors.<sup>2</sup> Jury trials that cannot meet these parameters must be postponed until such time as the undersigned has determined that multi-week trials may safely resume at those two courthouses.

In any spaces in the courthouses utilized for jury trials across the Eighteenth Judicial District, at least six feet social distancing shall always be maintained. As a result, the number of jurors who may gather in any courthouse space shall never exceed the maximum capacity with at least six feet social distancing.

Given current state and local public health guidelines, the Eighteenth Judicial District is committed to incrementally resuming jury trials in a mindful manner. Jury trials cannot currently resume in the capacity that the Eighteenth Judicial District could achieve prior to COVID-19. Therefore, the undersigned will review all cases scheduled for jury trials and, together with the Eighteenth Judicial District's Presiding Judges, shall determine which case(s) shall proceed to trial. Planning efforts have been and will continue to be extensive across the district, including exploring off-site locations to conduct jury selection.

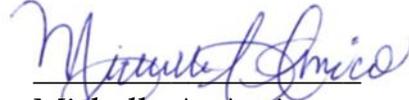
This Sixth Amended CJO is subject to modification at any time without advance notice as state and public health orders may dictate.

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<sup>2</sup> The undersigned recognizes that, despite efforts to complete a jury trial in one calendar week, there are not time limitations to juror deliberations.

Dated October 9, 2020.

**BY THE COURT:**



Michelle A. Amico

Chief Judge

Eighteenth Judicial District