

District Court, Weld County, State of Colorado Court Address: 901 9 <sup>th</sup> Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	▲ COURT USE ONLY ▲ Case Number: 2020 CV 01 Division 1
ADMINISTRATIVE ORDER NO. 2020-20	
<p style="text-align: center;"><b>ORDER SUSPENDING JURY CALLS IN THE 19<sup>TH</sup> JUDICIAL DISTRICT THROUGH JANUARY 19, 2021</b></p>	

On October 26, 2020, I issued *Second Revised Administrative Order 2020-17, Regarding Resuming, Scheduling, and Conducting Jury Trials* (“Second Revised AO 2020-17”) setting forth the procedures for jury trials in the county and district courts in the Nineteenth Judicial District. This order was issued after conferring with the members of our bench, giving due consideration to the data related to COVID-19 incidence rates collected and published by the Centers for Disease Control (“CDC”), the Colorado Department of Public Health and Environment (“CDPHE”), and Executive Orders issued by Governor Jared Polis. Rather than including in this order all the background information and data contained in the three iterations of AO 2020-17 – initially issued on July 30, 2020, as revised on September 8, 2020 and October 26, 2020 – I incorporate that data and information into the present order by this reference.

Pursuant to Second Revised AO 2020-17, and the then-existing health information, the Nineteenth Judicial District was prepared to summon and empanel a jury for one district court criminal and one county court trial per week. Circumstances related to COVID-19 in Weld County and Colorado have changed rapidly and dramatically over the course of the past week, and after consulting with the judges on our bench and considering the current health data, I conclude that we are no longer able to safely summon, select, and empanel jurors in the Nineteenth Judicial District for at least the next few months. This is based on the current trends showing drastic rises in COVID-19 rates of infection in Weld County; colder weather is fast approaching, leading to more indoor gatherings and making social distancing more difficult; and the upcoming holidays, which will result in a higher number of people gathered indoors.

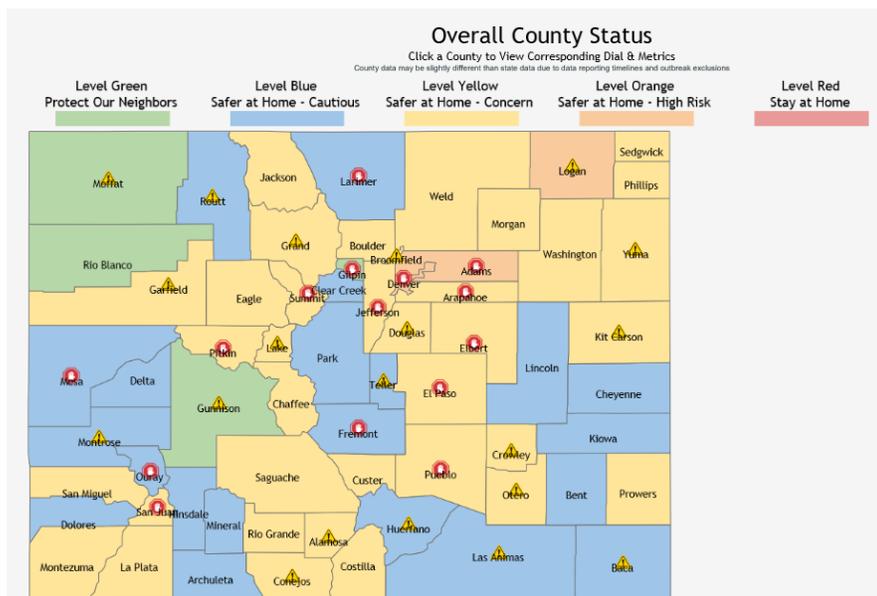
In addition to the CDPHE data outlined in the three versions of AO-2020-17, the CDPHE has created a COVID-19 Dial Dashboard, which includes data collected across three matrices for each county:

1. **New cases**- this matrix tracks how much the virus is circulating within the county;
2. **Percent positivity**- this matrix tracks the level of virus transmission;
3. **Impact on hospitalizations**- this matrix tracks whether hospitalizations are increasing, stabilizing, or declining.

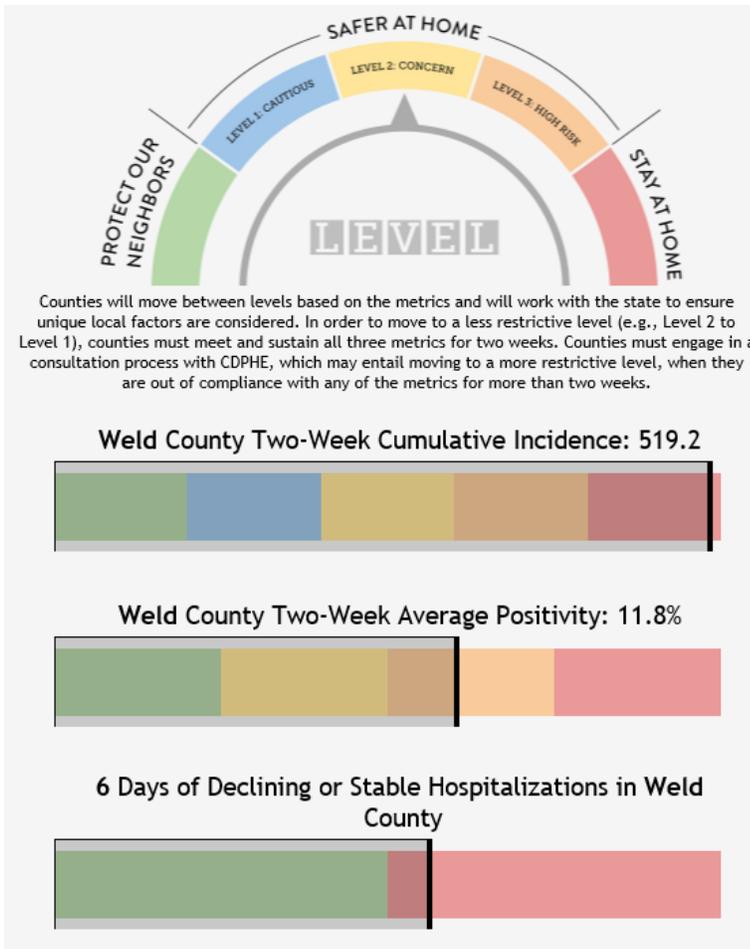
Using the data for each of the three matrices, the CDPHE utilizes a five-level dial categorizing the risk levels existing in the county. The five levels, from least to most restrictive, are:

1. **Level Green** – Protect Our Neighbors;
2. **Level Blue**- Safer at Home Cautious;
3. **Level Yellow**- Safer at Home Concern;
4. **Level Orange**- Safer at Home High Risk;
5. **Level Red**- Stay at Home.

I have included the COVID-19 Dial Dashboard information sheet as an attachment to this order. Weld County is presently in the Level Yellow category:



The current Level Yellow status is itself concerning, but a review of the current data for each of the three matrices (which can be accessed by clicking the mouse cursor on Weld County on the CDPHE webpage) is even more alarming:



The two-week cumulative incidence rate in Weld County is 519.2 positive cases per 100,000 people, placing Weld County in the very highest risk category; the two-week average positivity rate for those tested for COVID-19 is 11.8%, which falls in the second highest risk category; and Weld County has not shown a declining or stabilized hospitalization rate for fourteen days or longer, which is necessary to move from the red category to the green category in this third matrix.

While some may argue that the data collected by the CDPHE is empirical and may not impact jury trials, particularly with all of the safety measures and protocols put into place in AO 2020-17, the reality is that all three of jury trials scheduled in the Nineteenth Judicial District the week of November 2-6, 2020 were directly and significantly impacted by COVID-19. A juror in the first-degree murder trial that began last week experienced

symptoms within the COVID-19 list on the seventh day of trial earlier this week. This person contacted the court immediately before reporting to the courthouse that day and the juror has been excused from further service. I contacted the CDPHE and they are now working with the judge presiding over the case to provide guidance and recommendations to address this situation. That trial has been postponed until Monday, November 9, 2020 pending receipt of additional information and a determination whether that trial can be safely completed, postponed further, or a mistrial declared.

We also had two cases in the county court schedule for jury trial on Wednesday, November 4, 2020. During the pretrial readiness conferences held earlier this week to determine which of the two cases would proceed to trial, it was learned that an attorney in one of the cases had recently been exposed to a colleague at work who tested positive for COVID-19. The attorney appeared for the trial readiness conference by video.

The case involving the attorney who was exposed to COVID-19 through a colleague was continued before the trial date. This resulted in only one county court case remaining on the trial calendar for November 4, 2020. The day before the trial was to begin, the prosecution notified the court that their key witness had been exposed to a person within the past ten days who tested positive for COVID-19. Although the witness was not experiencing any symptoms of COVID-19, the witness had not undergone testing and the date of exposure was within fourteen days of the trial date. That case was continued by the court before the trial date.

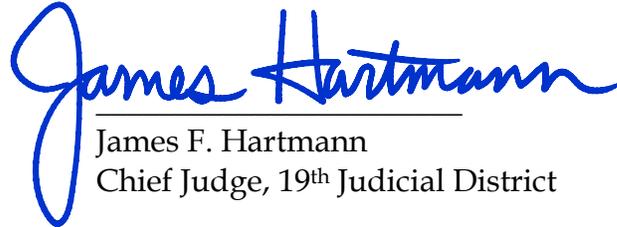
The three persons involved who were exposed to COVID-19 in these three cases were from different areas of Weld County. The fact that all three of the jury trials scheduled for this week were impacted by COVID-19 cannot be considered mere coincidence; instead, this provides additional data showing how widespread and prevalent COVID-19 is in Weld County, and that the precautions put into place to safely conduct jury trials in the Nineteenth Judicial District are not presently sufficient to stem the tide of the spike in COVID-19 rates at this time.

Pursuant to the authority provided to Chief Judges by the Chief Justice of the Colorado Supreme Court through Chief Justice Directive 95-01, *Authority and Responsibility of Chief Judges*, I hereby order that all jury calls in the Nineteenth Judicial District be suspended through January 19, 2021. If, after consulting with the CDPHE, the judge presiding over the pending first-degree murder trial and I determine that the trial may safely resume, that trial may be completed. I am not vacating AO 2020-17 at this time and but will consider whether any amendments to that order are necessary once we resume

jury trials in the Nineteenth Judicial District. I reserve the right to modify, revise, or extend Administrative Order 2020-20 at any time, based on then-existing data, health-related considerations, and all other circumstances impacting court operations.

Dated: November 6, 2020.

BY THE COURT:



James F. Hartmann  
Chief Judge, 19<sup>th</sup> Judicial District

# COVID-19 FACT SHEET

## Colorado's Dial Framework



During this pandemic, Colorado is working to make life as sustainable as possible, while ensuring we do not surpass our public health and health care capacities. Different levels of “openness,” standardized at the county level, will help maintain this delicate balance.

This framework recognizes unique local circumstances using an intuitive dial to visualize a community’s success in containing the spread of COVID-19. By increasing simplicity and predictability, local communities have another tool to make life amidst the pandemic more sustainable until we have a major breakthrough in testing, treatments, or a vaccine.



This dial includes five levels, from least to most restrictive. Details for each level outline specific metrics and how many people can participate in various activities at one time.

### The five levels

1. **Level Green - Protect Our Neighbors:** Local public health agencies are able to contain surges in cases and outbreaks through testing, case investigation, contact tracing, isolation, quarantine, site-specific closures, and enforcement of public health orders.
2. **Level Blue - Safer at Home Cautious:** This is less restrictive than Level Yellow, for counties with low virus transmission but that have not yet achieved Protect Our Neighbors.
3. **Level Yellow - Safer at Home Concern:** The baseline. While we are all still safer at home, we are also able to practice greater social distancing in our great outdoors than in confined indoor spaces.
4. **Level Orange - Safer at Home High Risk:** This is more restrictive than Safer at Home Level 2, for counties experiencing increases in the metrics. Action is needed, but Stay at Home may not be warranted.
5. **Level Red - Stay at Home:** Everyone is required to stay at home except for grocery shopping, exercise and necessary activities. Only critical businesses are open.

### Metrics that define the levels

1. **New cases:** How much the virus is circulating in a county.
2. **Percent positivity:** Whether there is sufficient COVID-19 testing to capture the level of virus transmission.
3. **Impact on hospitalizations:** Whether hospitalizations are increasing, stable, or declining.

Counties will move between levels based on the metrics and will work with the state to ensure unique local factors are considered. In order to move to a **less restrictive level** (e.g., Level Yellow to Level Blue), counties must meet and sustain **all three metrics for two weeks**. Counties must engage in a consultation process with CDPHE, which may entail moving to a more restrictive level, when they are out of compliance with **any** of the metrics for more than two weeks.

[Read the complete Dial Framework policy document.](#)