

District Court, Weld County, State of Colorado Court Address: 901 9 th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
ADMINISTRATIVE ORDER NO. 2021-03	
ADMINISTRATIVE ORDER REGARDING RESUMING, SCHEDULING, AND CONDUCTING JURY TRIALS IN THE 19TH JUDICIAL DISTRICT	

The right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado constitutions, and it has been of paramount importance to the judges in this district to resume and conduct jury trials in criminal and civil cases only when we believed it was safe to do so. Due to serious public health issues related to the COVID-19 pandemic, jury trials throughout the state of Colorado were suspended by the order of then Colorado Supreme Chief Justice Nathan B. Coats dated April 16, 2020, and as extended by the Chief Justice’s orders of May 5, 2020 and June 15, 2020, which precluded any person from being summoned to state courts to assemble for jury service to begin any time prior to August 3, 2020, subject to waiver by Chief Justice Coats.

On July 24, 2020, Chief Justice Coats issued Updated Order Regarding COVID-19 and Operations of State Courts removing the requirement that Chief Judges obtain a waiver from him to resume conducting jury trials after August 2, 2020, provided the Chief Judge of the district determined that a jury pool can safely be assembled consistent with applicable executive orders and health directives.

On July 30, 2020, I issued *Administrative Order 2020-17, Regarding Resuming, Scheduling, and Conducting Jury Trials* setting forth the 19th Judicial District’s authorizing trials with six-person jury panels to commence in August 2020, with one jury trial held per week. I issued two amended versions of A.O. 2020-17, on September 8, 2020 and October 26, 2020. After conducting several jury trials in the county court, we expanded operations to include felony jury trials for a brief period before the coronavirus numbers began to skyrocket at an alarming rate. On November 6, 2020, I issued *Administrative Order 2020-20, Suspending Jury Calls in the 19th Judicial District Through*

January 19, 2021, based on the alarming trends in coronavirus rates in Weld County and nationwide. I issued amended A.O. 2020-20(B) on December 17, 2020, extending the suspension of jury calls until March 1, 2021.

The judges of the Nineteenth Judicial District have met regularly since March 2020 to formulate plans to safely resume jury trials. We have considered information from the Centers for Disease Control and Prevention (“CDC”) and the Colorado Department of Public Health and Environment (“CDPHE”); information presented to the Chief Judges Council and individually to the undersigned by Dr. Eric France, Chief Medical Officer with CDPHE and members of the CDPHE team; and executive orders issued by Colorado Governor Jared Polis and public health orders issued by the director of the CDPHE.

After considering the information and recommendations from health experts and the advice and counsel of the members of our bench, I have determined that we are able to resume a limited number of jury trials in the 19th Judicial District with six to seven person jury panels beginning on **March 17, 2021**, pursuant to the provisions of this administrative order.

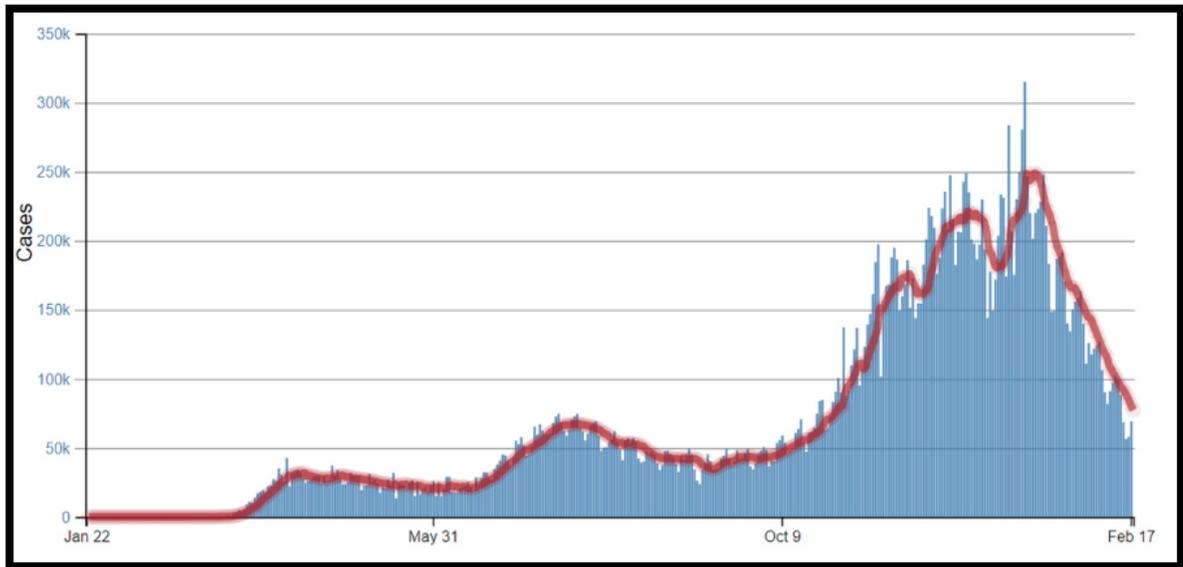
I. DATA FROM THE CDC

It is important to consider the data regarding COVID-19, over the course of the pandemic, to determine whether we have reached the point when jury trials may safely resume. We are quickly approaching the one-year anniversary of the date COVID-19 was first detected in Eagle County, Colorado. I have considered information related to the original strain (“SARS-CoV-2” or “COVID-19”) and the new variants that have been identified globally and in the United States, and how these new variants may cause new and different health concerns from COVID-19. The information I have gathered from the CDC and included in this order can be found at the CDC website:

https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days.

Data posted on the CDC website on July 29, 2020, just days before we last resumed jury trials, listed a total of 4,339,997 COVID-19 cases in the United States and 148,866 deaths. By October 24, 2020, the number had climbed to 8,469,976 COVID-19 cases nationally, with 441,644 new cases reported over a seven-day period between October 17-24, 2020. The nation-wide death toll had risen to 223,393 on October 24, 2020. On February 25, 2021, the total number of COVID-19 cases was at 28,138,938, with 503,587 deaths.

The graph below obtained from the CDC website provides the rate of new cases diagnosed nationally.



Several new variants, or mutations, of COVID-19 (SARS-CoV-2) have emerged since the fall of 2020, which are described by health officials by the location where the variant was first discovered. These include variants discovered in the United Kingdom variant (B.1.1.7), South Africa (B.1.351), and Brazil (P.1). According to the CDC website, scientists in the United Kingdom reported evidence suggesting the B.1.1.7 may be associated with a higher risk of death, although more studies are needed to confirm this finding. There is evidence that these variants are associated with a higher transmissivity rate than the original COVID-19 strain.

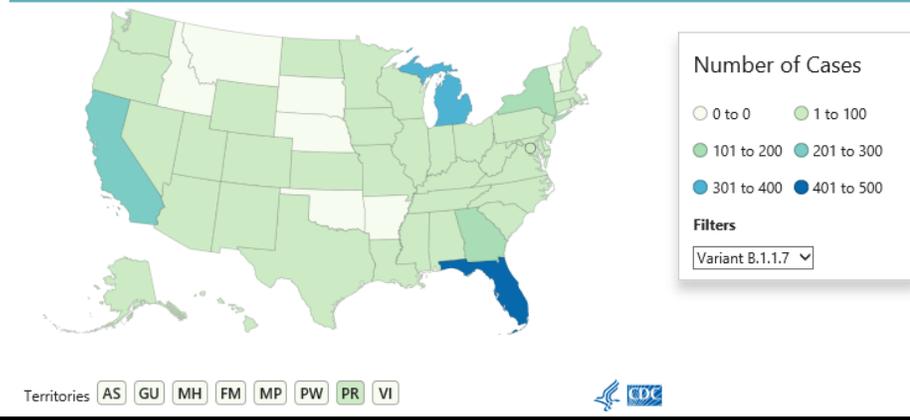
The first map on the next page shows the number of cases in the United States caused by a COVID-19 variant as of February 25, 2021, and the second map highlights the number of cases detected in Colorado, of which there have been 86 cases of the UK variant (B.1.1.7) detected in the United States and no cases of the South Africa (B.1.351) or Brazil (P.1) variants. The *Greeley Tribune* recently reported that someone in Weld County tested positive for the UK variant.

US COVID-19 Cases Caused by Variants

Updated Feb. 25, 2021 [Languages](#) [Print](#)

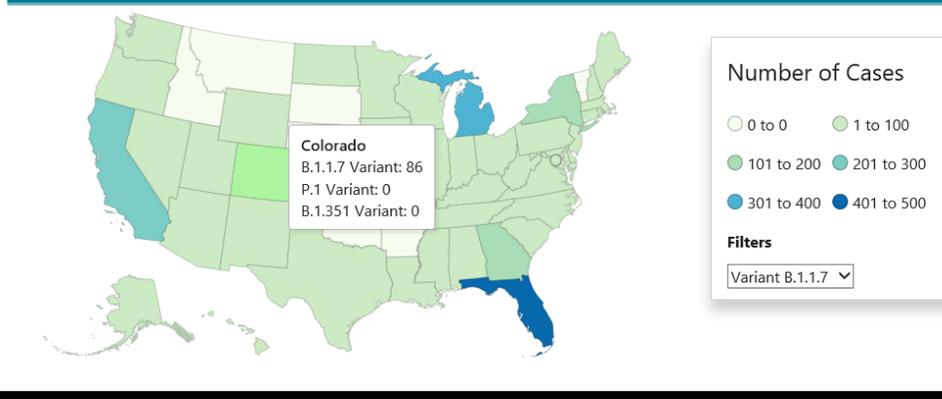
Variant	Reported Cases in US	Number of Jurisdictions Reporting
B.1.1.7	2102	45
B.1.351	49	15
P.1	6	5

Emerging Variant Cases in the United States**



Variant	Reported Cases in US	Number of Jurisdictions Reporting
B.1.1.7	2102	45
B.1.351	49	15
P.1	6	5

Emerging Variant Cases in the United States**



The CDC reports that viruses often acquire mutations and they are monitoring the new variants closely to determine whether new characteristics develop that raise

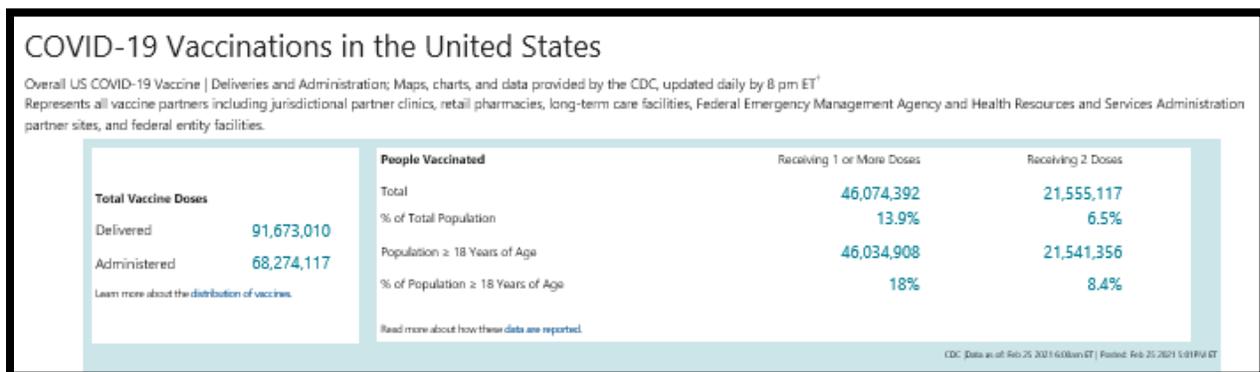
concerns. The CDC lists several potential or possible consequences of new variants that may include:

- Ability to spread more quickly in people;
- Ability to cause milder or more severe disease in people;
- Ability to evade detection by specific viral diagnostic tests;
- Decreased susceptibility to therapeutic agents such as monoclonal antibodies;
- Ability to evade natural or vaccine-induced immunity.

The CDC reports that the last factor listed above, the ability to evade natural or vaccine-induced immunity (called “escape mutants”), would likely be the most concerning; however, according to the CDC “there is no evidence that this is occurring, and most experts believe that escape mutants are unlikely to emerge because of the nature of the virus.”

I spoke with Dr. Eric France, Chief Medical Officer of the CDPHE on February 12, 2021, and he shared that CDPHE is also tracking the new variants very closely because of the possibility that these new variants could contribute to another surge in the number of cases.

We now have vaccines available and the table below shows the number of vaccinations administered in the United States, as well as the percentage of the population nationally that has received the first and second dose of the vaccination.



The CDC maintains data of the number of vaccinations that have occurred in each state, and the CDC data for Colorado is found in the table on the next page.

Colorado

Total Delivered: 1,597,960 (27,748 per 100k)

Total Doses Administered: 1,294,236 (22,474 per 100k)

Total Doses Administered 18+: 1,293,794 (28,756 per 100k of 18+ pop)

People Receiving 1 or More Doses: 859,919 (14.9% of total pop)

People 18+ Receiving 1 or More Doses: 859,579 (19.1% of 18+ pop)

People Receiving 2 Doses: 426,398 (7.4% of total pop)

People 18+ Receiving 2 Doses: 426,296 (9.5% of 18+ pop)

Click on map to learn more about vaccine data in Colorado

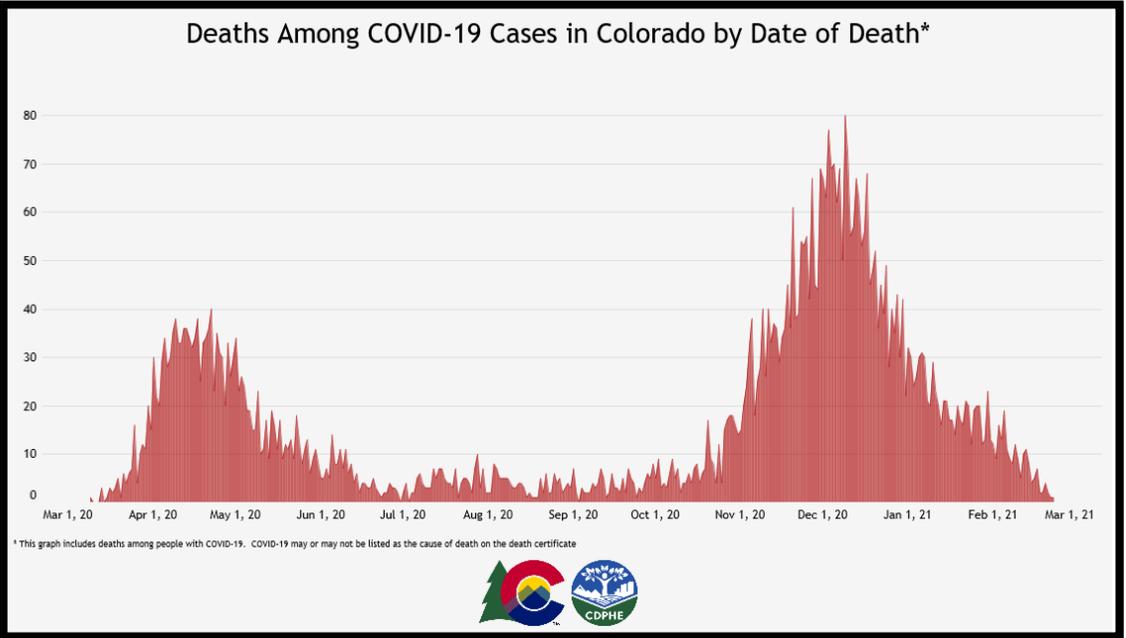
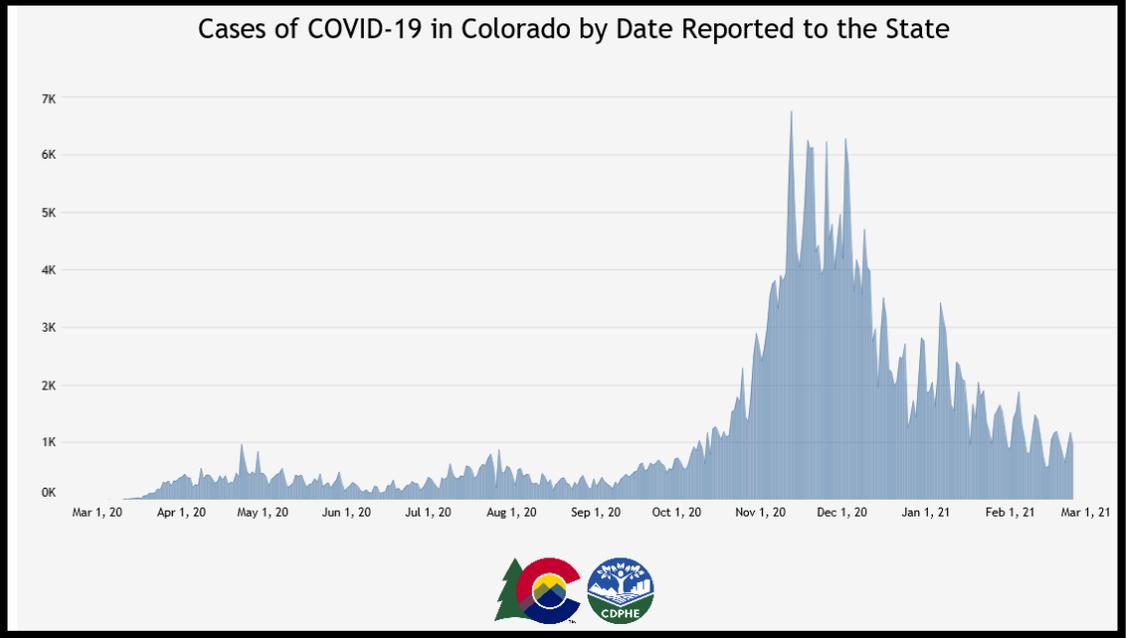
Information distributed by Weld County officials on February 25, 2021, reflects that there have been 40,671 first doses and 19,976 second doses of the vaccine administered in Weld County. Over the past seven days there have been 5,671 first doses and 4,950 second doses administered in Weld County, based on the data I received from the county on February 18 and 25, 2021. The county reports that as of February 25, 2021, approximately 8% of the Weld County population over the age of 16 has received both doses of the vaccination.

II. DATA FROM THE CDPHE

According to the CDPHE website, there were 45,789 cases of COVID-19, 6,398 people had been hospitalized, and 1,688 people had died due to COVID-19 in Colorado as of July 28, 2020. On October 24, 2020, the total number of COVID-19 cases statewide had risen to 93,400, there have been 8,598 people hospitalized, and 2,076 deaths due to COVID-19. As of February 25, 2021, there were 424,677 COVID cases, 23,385 COVID-19 hospitalizations, and 5,860 deaths.

The CDPHE reported that Weld County had 3,462 positive cases and 141 deaths on July 28, 2020; 5,810 cases and 159 deaths on October 24, 2020; and 25,283 cases and 318 deaths as of February 25, 2021.

The graphs on the next page show the number of new COVID-19 cases and deaths by date between March 1, 2020 and February 25, 2021.



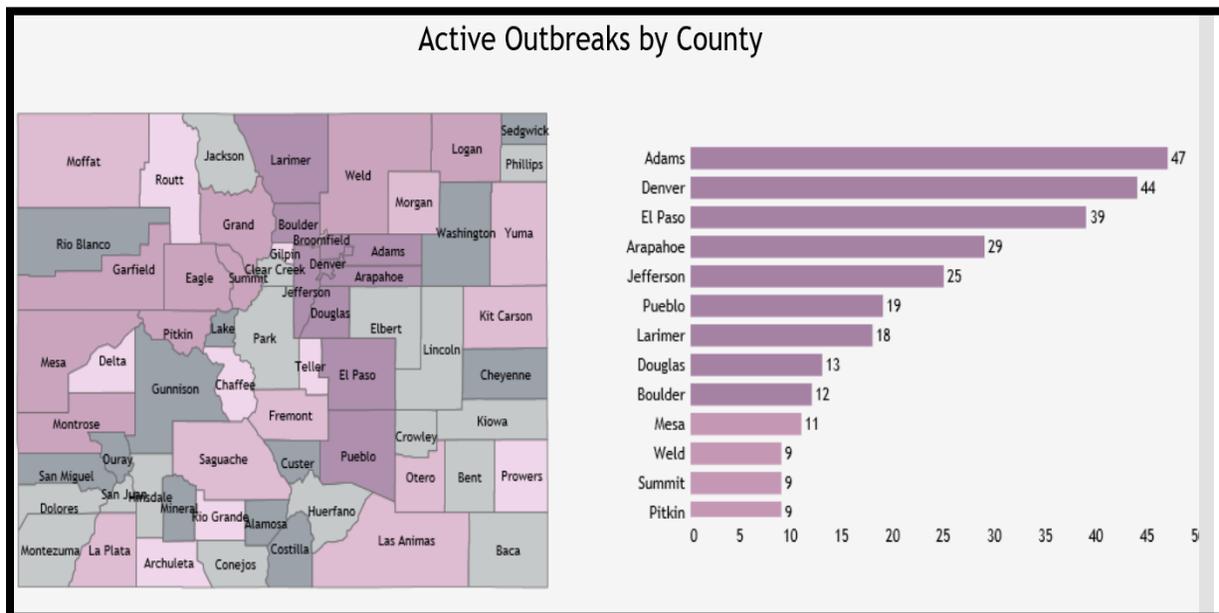
I have also considered the COVID-19 outbreak data maintained by the CDPHE, which is tracked weekly from information gathered at the following locations:

- Health care settings, including long-term care facilities, assisted living facilities, independent living facilities/senior communities that offer health care, inpatient rehab facilities, and long-term acute care hospitals.
- Correctional settings, including state prisons, county and city jails, community corrections, detention settings, work release facilities.
- In other settings, including factories, workplaces with crowded work conditions, camps, schools, childcare centers, and independent living facilities/senior communities that do not offer health care.

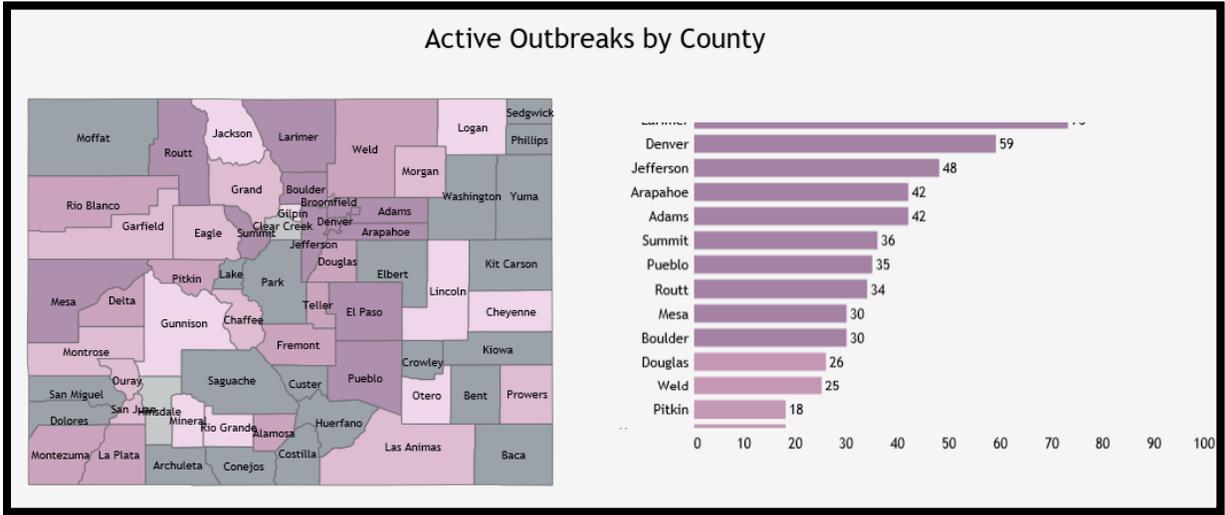
A “confirmed outbreak” is defined by CDPHE as two or more confirmed cases of COVID-19 in a facility or group in a fourteen-day period. Once an outbreak is confirmed, CDPHE lists the status at the facility as either “active” or “resolved.” An outbreak is “resolved” when 28 days have passed with no new illnesses. Per data collected through July 22, 2020, there were a total of 447 outbreaks in Colorado with 185 that were still listed as active on that date. There were 24 outbreaks with seven active locations in Weld County on July 22, 2020.

The map below and graph below shows the active outbreaks statewide and in Weld County on October 24, 2020. Weld County had nine active outbreak locations.

Active Outbreaks as of October 24, 2020

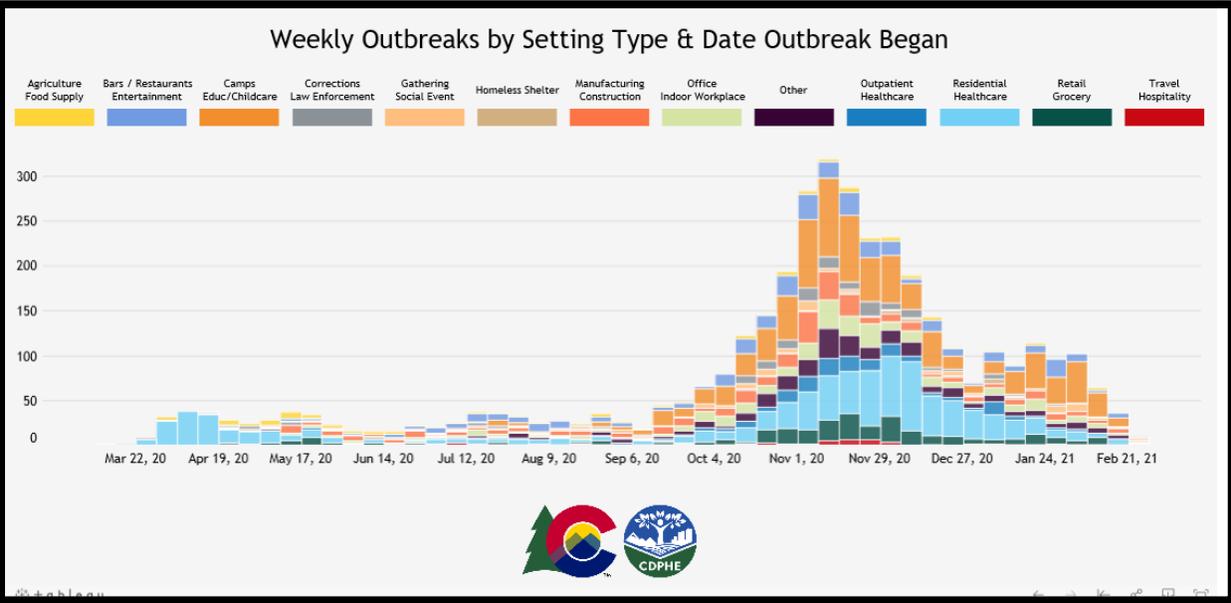


The CDPHE reports that there have been 3,870 outbreaks in Colorado and 138 in Weld County since March 2020. The map on the next page shows the active outbreaks in Colorado and that Weld County presently has 25 active outbreaks.



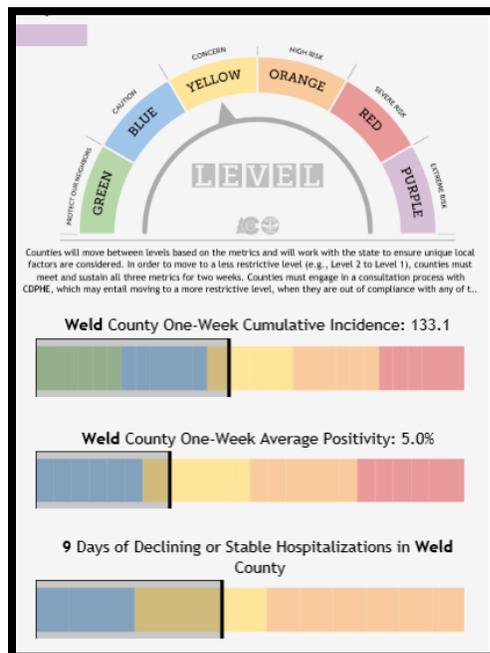
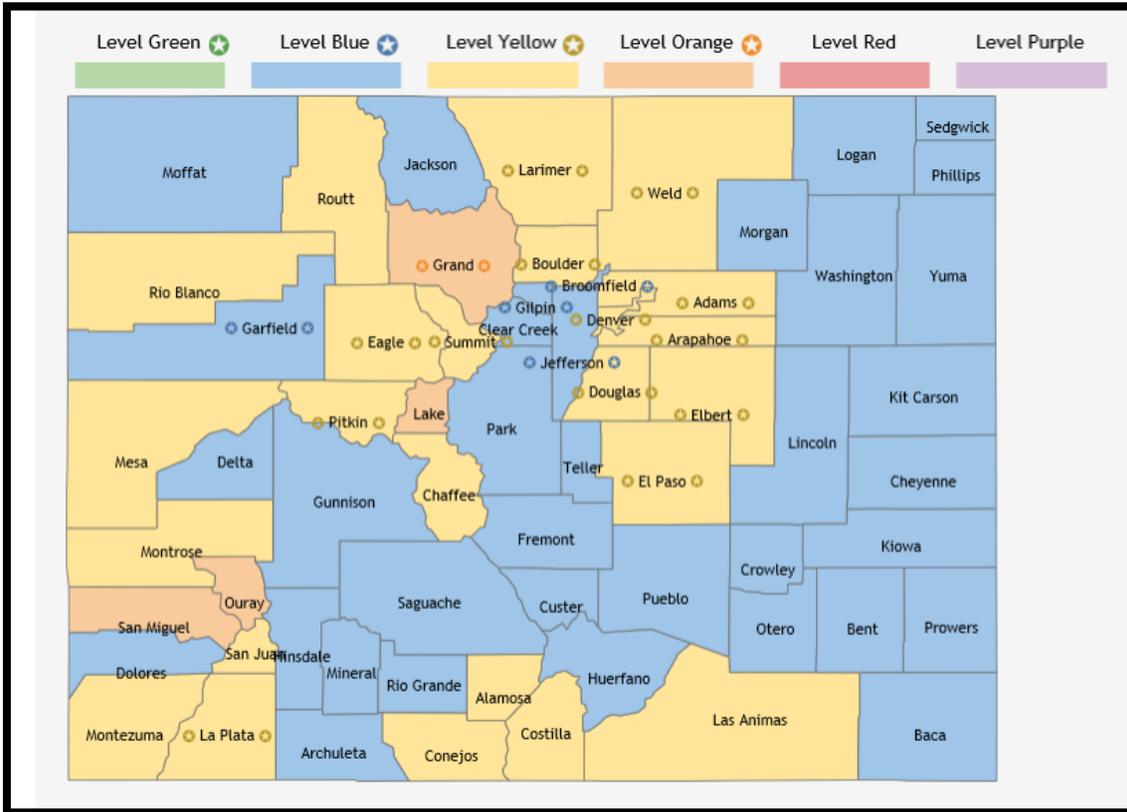
The CDPHE has also prepared a graph showing the number of weekly outbreaks and the setting where the outbreak occurred.

Weekly Outbreaks in Colorado by Setting Type

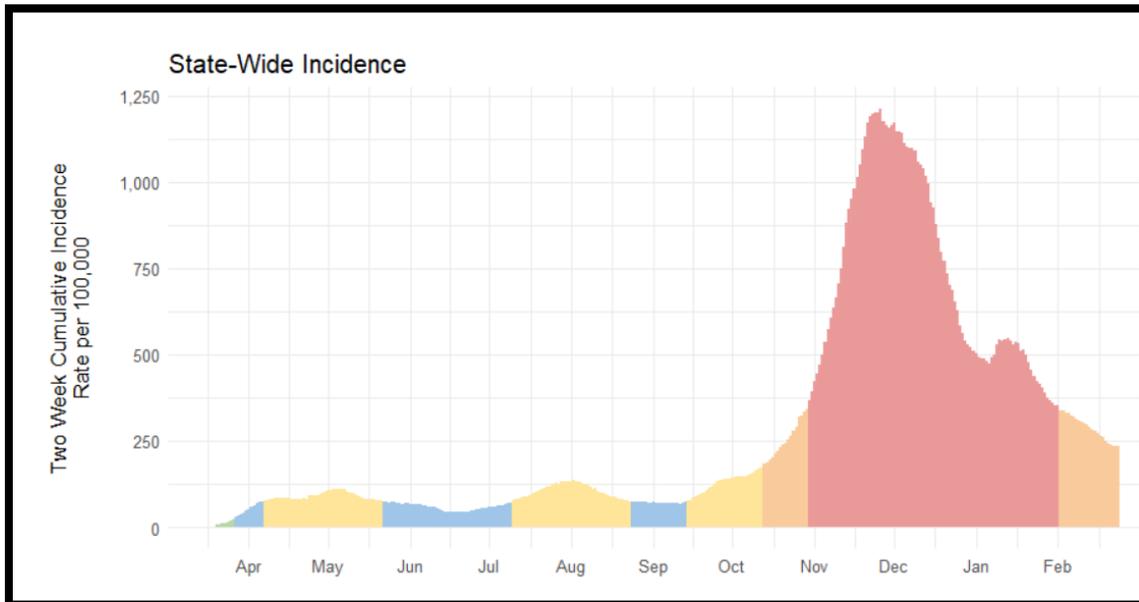


The CDPHE prepares a statewide COVID Dial map showing weekly and two-week positivity and incident rates. These maps are updated daily and can be viewed through the CDPHE website at <https://covid19.colorado.gov/data/covid-19-dial-dashboard>.

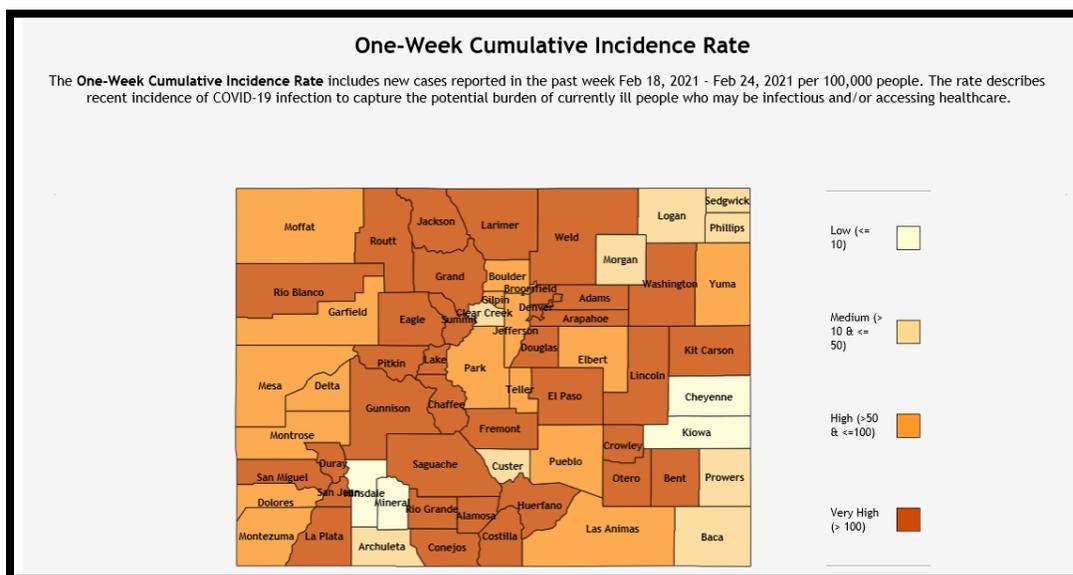
Here is the CDPHE COVID Dial map for February 25, 2021, along with Weld County's numbers one-week incident rate (133.1 out of 100,000 people), one-week average positivity rate (5%), and the number of days of declining or stable hospitalizations (9):

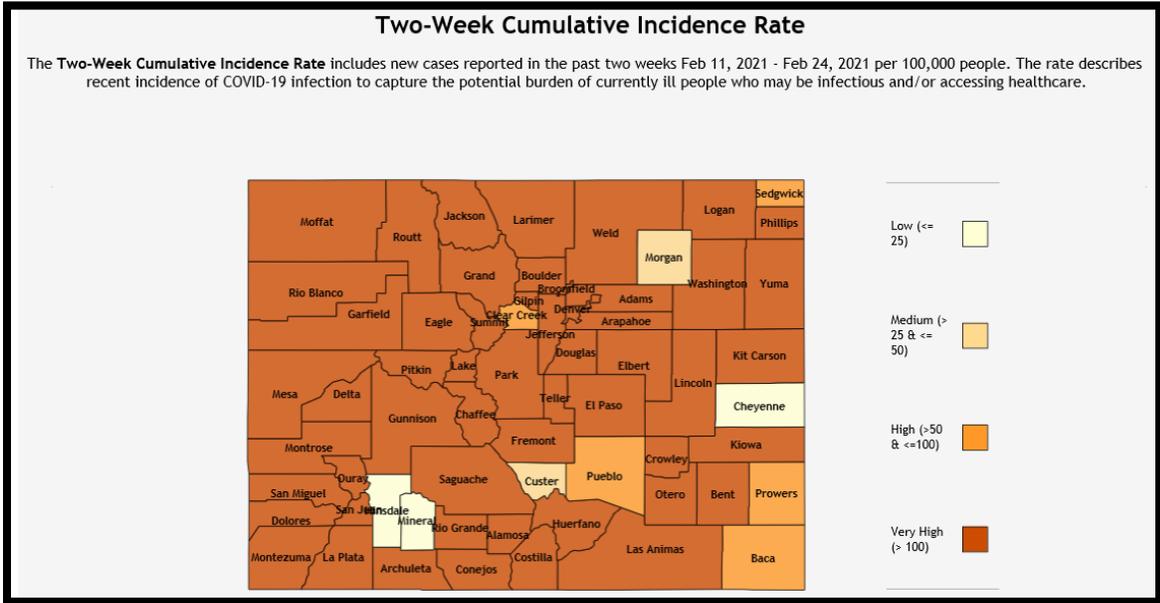


The chart below shows the statewide incidence rate from March 2020 through February 25, 2021, with the colors representing where the state numbers fell within the COVID Dial.

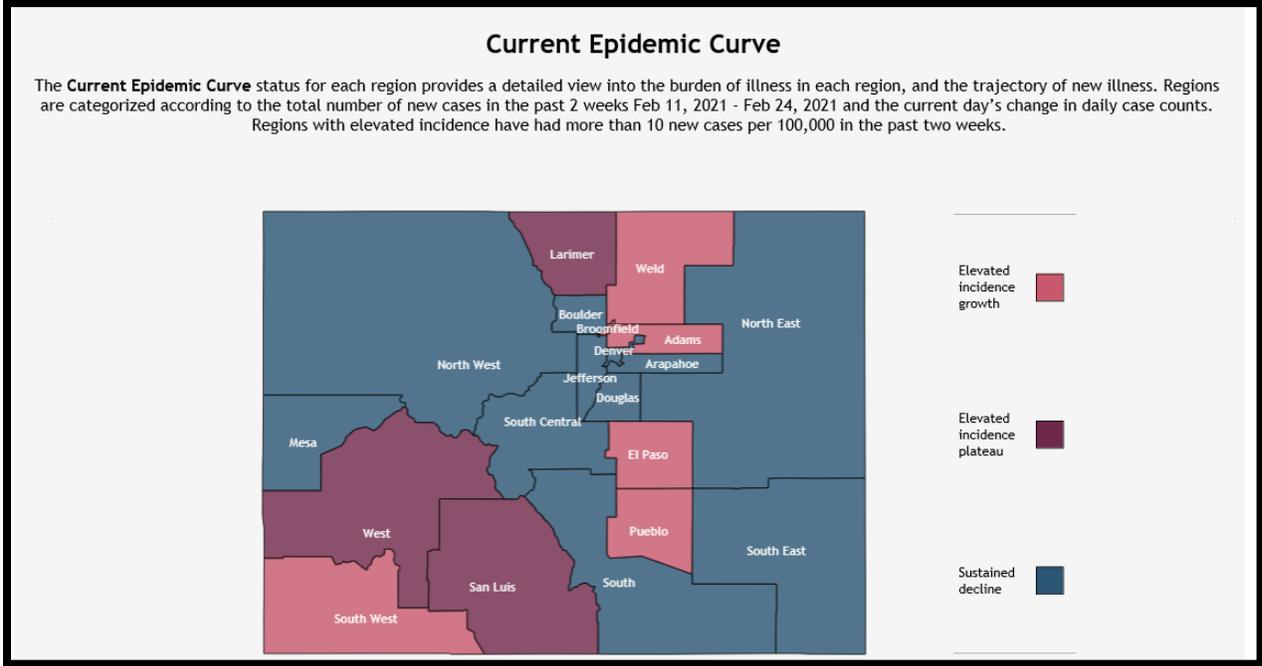


The CPDHE continues to categorize the incidence rates from low (less than 10 cases per 100,000 people for weekly rates, and less than 25 for two-week rates) to very high (more than 100 cases per 100,000 people, for weekly and two-week periods). The map below shows that Weld County’s incidence rate is in the “very high” category for the week of February 18-24, 2021 and the two-week period from February 11-24, 2021.

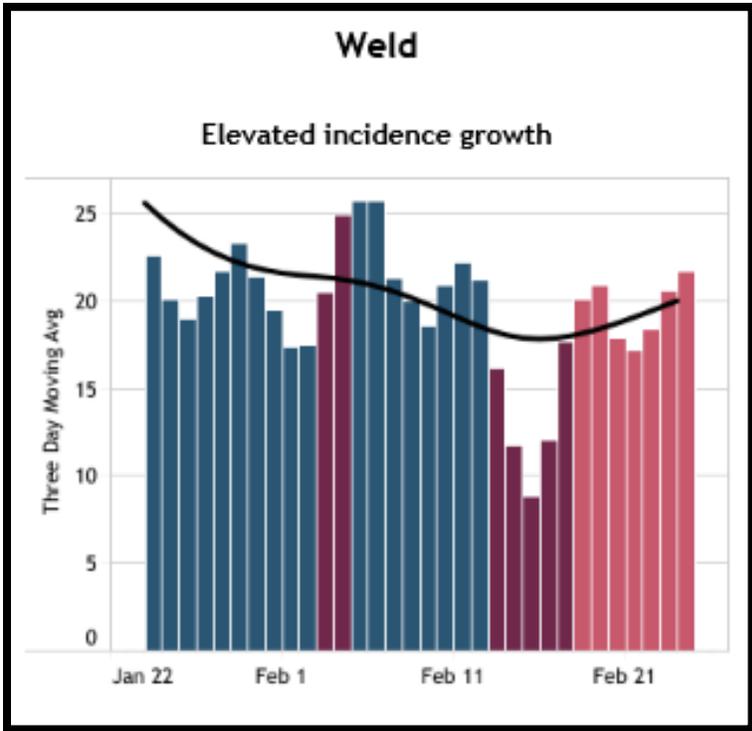
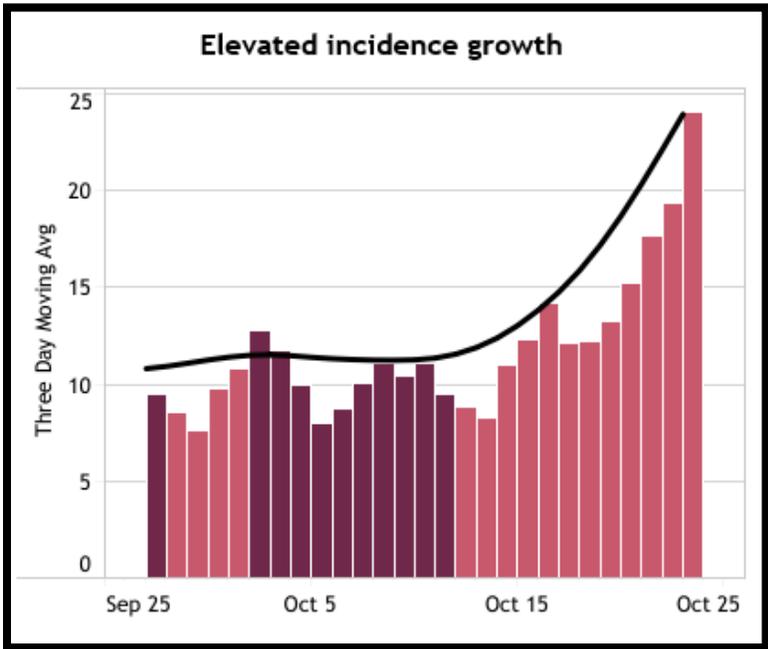




The next map shows the current epidemic curve in Colorado for the past two weeks. Weld County is one of six Colorado counties listed as having an elevated incidence growth on the scale.



The next two graphs show the epidemic curves for September 25-October 25, 2020 and January 22-February 21, 2021.



III. ADDITIONAL CONSIDERATIONS

The Nineteenth Judicial District explored the possibility of holding jury trials at alternative locations, such as at an indoor exhibition area at Island Grove Regional Park,

school or university auditoriums/gymnasiums, or conference centers at hotels. We conferred with the Weld County Sheriff's Office (WCSO) to determine whether security could be provided at an alternative location. We were informed by Captain Matt Turner that the WCSO does not have the personnel to provide security beyond the three court buildings and the WCSO does not have funding to hire more officers. In addition, alternative locations we contacted charge a fee and the Nineteenth Judicial District does not have funds available to rent space. After receiving this information, we turned our focus to how we can conduct jury trials under the current health guidelines using the available space within the three court buildings.

The provisions of the CDPHE *Seventh Amended Public Health Order 20-36 COVID-19 Dial*, issued on February 12, 2021, apply to judicial branch operations as a "Critical Government Function." See Sections III C. and III D. Social distancing of at least six feet and wearing of facial coverings are required for indoor government functions. See Executive Order D 2021-035 ("Ordering Individuals in Colorado to Wear Non-Medical Face Coverings") and 19th Judicial District Administrative Order 2020-16 (requiring facial coverings to be worn in all public indoor spaces of the Nineteenth Judicial District court and probation buildings).

The CDC provides clear guidance at their website at its "How to Protect Yourself & Others" section. Protective measures include:

- Wear a mask;
- Stay at least six feet away from other who don't live with you;
- Avoid crowds;
- Wash your hands frequently;
- Avoid poorly ventilated spaces.

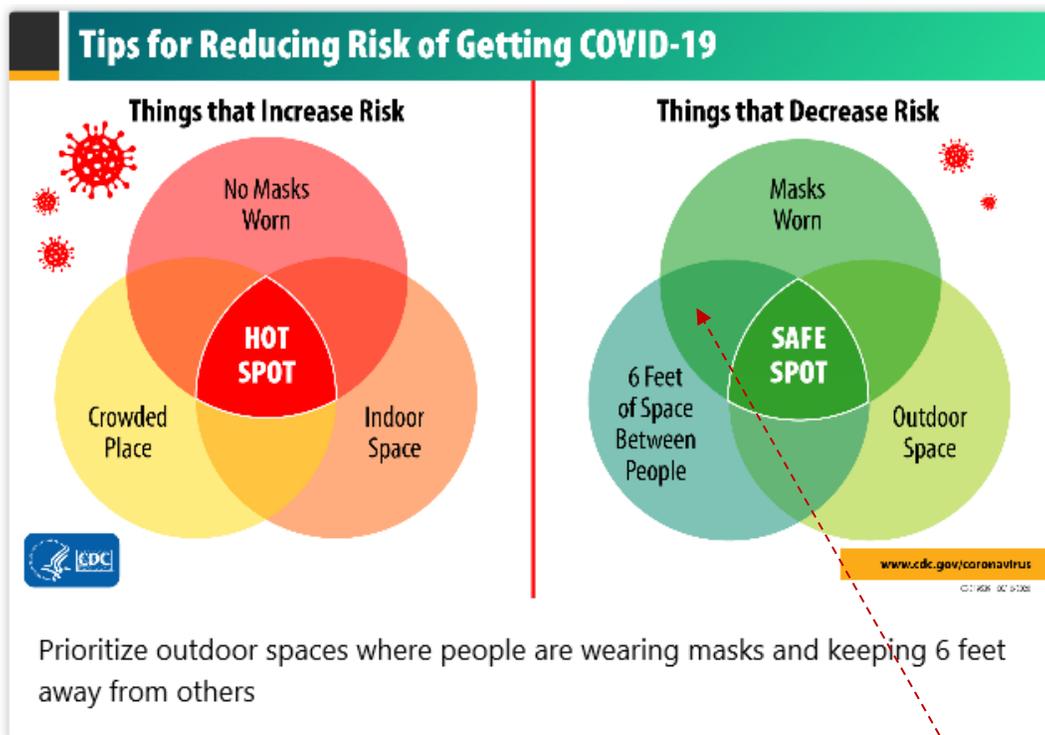
While Executive Order D 2021-219 (or any order extending the provisions of D 2020-219) and Chief Judge Administrative Order 2020-16 are in effect, facial coverings must be worn in all indoor public spaces of the 19th Judicial District Courthouse and Probation buildings, and everyone entering the court buildings who is not subject to an exemption shall wear facial coverings. The Court will provide a facial covering to any juror, witness, or attorney who did not bring one.

To maintain a healthy work environment, the CDC recommends taking the following measures:

- Intensify cleaning and disinfection of frequently touched surfaces;

- Ensure ventilation systems operate properly and increase circulation of outdoor air. I have consulted with Toby Taylor, the director of Weld County Buildings and Grounds, and he confirmed that the HVAC system in the Courthouse and Probation (and all other Weld County) buildings are utilizing the highest rated filter –MERV 8– that the equipment is designed to handle. The ratio of outside air in the system was previously set at 15%, but B & G increased the outside air percentage to the range of 25% to 30%, which ratio is based on the existing weather conditions and the ability to maintain a suitable temperature in the buildings;
- Ensure all water systems are safe to use;
- Modify layouts to promote social distancing of at least 6 feet between people – especially for persons who do not live together;
- Install physical barriers and guides to support social distancing if appropriate;
- Close communal spaces, or stagger use and clean and disinfect between use;
- Limit sharing of objects, or clean and disinfect between use.

The CDC prepared this diagram depicting how three specific dynamics – the wearing of masks, social distancing, and indoor versus outdoor spaces – factor into increasing or decreasing the risk of getting COVID-19.



Because jury trials are held indoors, we must utilize our best efforts to control the other two factors to reduce the risk as much as possible by remaining in this zone.

I have also considered the increased risk of exposure when larger groups of people are gathered for extended periods of time, which occurs when persons participate in jury selection, as opposed to encounters of short duration, such as brief trips to the grocery store.

After the 19th Judicial District resumed jury trials in August 2020, there were a few felony jury trials that went to verdict (mistrials were granted in a few other cases during jury selection), one district court civil jury trial, and several county court jury trials. We learned the following when conducting these jury trials:

- It takes approximately twice the number of staff members to assist with jurors than it did prior to the pandemic, particularly during jury selection;
- It is very difficult to maintain social distancing between jurors, staff and jurors, and other court users and jurors, even with the increased number of staff involved in the processes, whenever there is more than one jury panel in the court complex at the same time. Our jury assembly room can only hold 33 people with proper social distancing (the room can hold approximately 200 people pre-pandemic). We have some smaller rooms in the main courthouse that we could use for additional jurors that combined can hold 20-25 people with proper social distancing.
- Many felony cases require several groups of jurors to be summoned at different times of the day or on successive days. This results in the jury assembly room being used for a single case for extended periods of time.
- When the defendant in the case is incarcerated, the jurors are taken to the jury assembly room for breaks before the defendant is escorted from the courtroom, which is done to prevent the jurors from learning that the defendant is incarcerated. Weld County has recently installed doors along the main corridor to Divisions 11 and 12 that can be closed, thus blocking the view of the corridor where incarcerated defendants are escorted to and from the courtroom from the main lobby of the Plaza West court building.
- The jury assembly room is used to check in empaneled jurors in the morning and after lunch, and the jurors wait in that room until being escorted to the courtroom. This reduces the number of jurors who can be in the room for other trials.
- The jury for one of the felony jury trials deliberated for many hours in the jury assembly room. There are only a few locations in our court complex

where a jury of twelve persons can deliberate while maintaining social distancing, including the jury assembly room. We cannot bring in a second panel for jury selection if another jury is using the jury assembly room for deliberations.

- The county is completing construction on two new courtrooms, but they won't be large enough for felony trials. We will determine whether the courtrooms are large enough for a six or seven-person jury panel once construction is completed.

After conferring with the judges on our bench and giving consideration to all of the factors set forth in this order, I have determined that the Nineteenth Judicial District can safely assemble, select, and empanel jurors for no more than one six or seven-person jury trial per week beginning March 17, 2021, subject to the provisions of this administrative order. Our bench will continue to closely monitor the health circumstances in the community and other factors relevant to safely conducting jury trials and determine when can begin felony jury trials and increase the number of jury trials held each week. We are tentatively planning to resume felony jury trials on April 19, 2021.

Considering the existing health guidelines and as long as health concerns caused by the COVID-19 pandemic require wearing facial coverings, a limitation on the number of people in buildings, and six feet of social distancing between persons located indoors, the procedures set forth in this order shall be used for jury trials in the Nineteenth Judicial District until further order of the Chief Judge.

IV. COURTROOM CONFIGURATIONS AND PRIORITIZATION OF TRIALS

All twenty courtrooms in the district have been measured and assessed for jury trial use. I will perform the same assessment of the two new courtrooms when they are completed and ready for use, which we hope will occur by June 1, 2021. The gallery sections of each courtroom have been measured to maintain six feet or more of social distancing and the maximum gallery seating capacity is posted on the public entry door to each courtroom. The locations where persons will be seated in the gallery in each courtroom have or will be marked with stickers, as shown in the two photos on the following page.



There are only two courtrooms that are large enough to select and seat twelve to fourteen person juries in district court criminal cases; therefore, all district court criminal jury trials, once a determination is made that felony trials will resume, shall be heard in either the Division 11 courtroom or Division 12 courtroom until social distancing requirements are relaxed to a degree that we can safely seat people closer than six feet apart. When a jury trial is being heard in Divisions 11 or 12 by a judge assigned to Divisions 15, 16, or 17, the judge normally assigned to Division 11 or 12 may conduct their non-jury trial dockets in another suitable courtroom that is available in the district.

All four county court courtrooms – Divisions 6, 8, 9 and 13 – are large enough to select and seat six person juries for county court trials, but we may need to utilize a separate location with a video feed during jury selection for certain cases. Four courtrooms – Divisions 1, 3, 4, and B – are large enough to select and seat six person juries for civil cases, including dependency and neglect adjudicatory trials, but we may need to use a second location with a video feed during jury selection. However, all six or seven-person jury trials held between March 17 and April 19, 2021 will be held in either Division 11 or 12. Courtrooms 5, 10, C and D are not large enough to select and seat a jury with six feet of social distancing.

Because of the limited number of jurors that can be summoned at one time, as discussed in more detail below, the limited number of courtrooms available to safely and effectively seat juries, and in anticipation of holding multiple trials that scheduled to begin on the same day in the foreseeable future, proper planning and coordination will be necessary to successfully conduct jury trials in a safe manner. The judges shall confer with the Chief Judge, the other judges who have jury trials scheduled to begin on the same day, the jury commissioner, and Marci Hoffman and/or Rachael Erickson regarding the cases set for jury trial to determine the priority of cases to be tried. The judges should consider the input of the attorneys and parties to the cases when establishing a priority list. Judges should also consider:

1. Whether the trials are criminal or civil cases;
2. Whether the defendant in a criminal case is in custody or has been released on bond;
3. The nature of the cases, including community safety issues and, in the case of criminal offenses, the age of the case, speedy trial considerations, the level of offense(s) charged, whether any of the charges involve the Victim's Rights Amendment, as well as the potential penalties in each case;
4. Any other relevant factual or legal circumstance existing in the respective cases; and,
5. The public interest in completing one case prior to another.

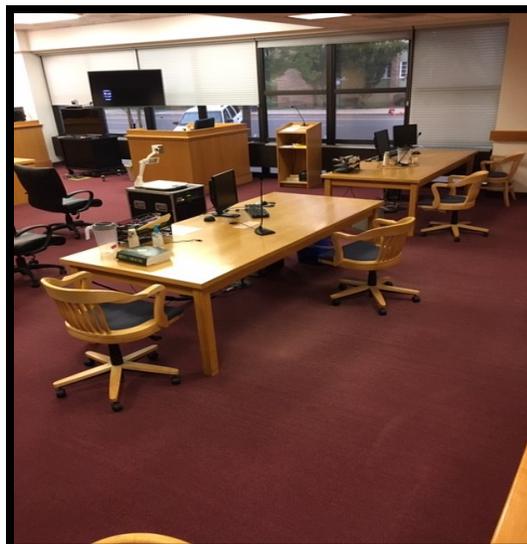
If more than one case is scheduled to begin a jury trial on the same day, the judges shall create a priority list establishing the order in which each case will be tried. The jury commissioner shall consult with the presiding judges two business days or more before the first day of trial to designate which case will proceed to trial. If the presiding judges are unable to determine which case should have priority to be tried, the Chief Judge shall make the determination.

The reporter's station, counsel tables, the podium, and seating for jurors shall be rearranged, as necessary, to provide room to seat jurors both in the jury box and in the well of the courtroom to allow at least six feet of separation between other jurors, counsel tables, the reporter station, and everyone else in the courtroom. Counsel tables and the reporter station shall also be placed so that they are at least six feet from the witness stand and all other persons in the courtroom.

If more than one attorney is representing a party at trial, the attorneys representing that party may seek permission from the court to sit closer than six feet from each other and/or their client during the trial, if that is their preference and they all agree. The court

will not request or require persons to sit closer than six feet from others during the trial, so it is the responsibility of the attorneys or parties to bring this to the court's attention if they request to sit within six feet of each other.

The two photos below were taken in Division 11 to show how thirteen jurors can be seated with six feet of social distancing and the positioning of two chairs at each attorney table.



The podium was moved from its normal location in front of counsel tables for these photographs. The jury box can seat eight jurors and five or six must be seated outside of the jury box. During jury selection in Divisions 11 and 12, thirteen or fourteen persons can be seated in the well area and 18 can be seated in the gallery section, for a total of 31 or 32 prospective jurors in the courtroom. This number is reduced if non-jurors wish to be in the room and if deputies are present for security reasons.

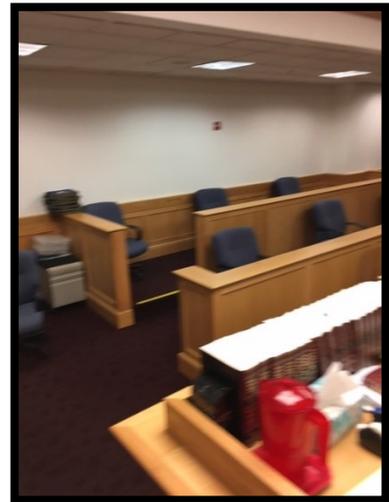
A similar seating arrangement as shown in the photos of Division 11 can be accomplished in Division 12. In addition to social distancing when configuring juror seating, consideration was given to maintaining clear pathways to all exits and the ability for jurors to see and hear the evidence presentation.

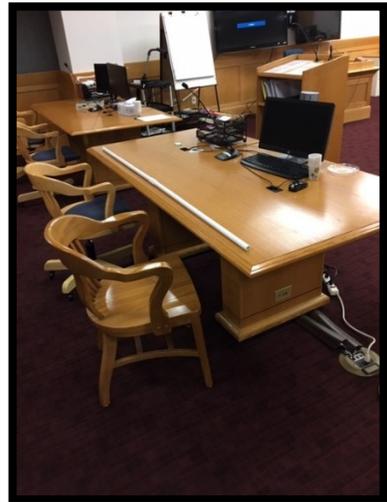
It is possible to seat overflow jurors in a second courtroom and use the Polycom video system or WebEx for jurors in the overflow room to watch and listen to jury selection. We also have an ability to use a closed WebEx feed to an overflow room (i.e. the only WebEx connection is between the courtroom and jury overflow or a public observation area in the courthouse). Jurors participating in jury selection in the overflow room will be monitored by a staff member to ensure that they do not exit the room while jury selection is occurring. The judge presiding over a trial in which a juror overflow

room and video/audio feed is being used should explain to the jurors at the outset the procedures that will be used and the court's expectations, and issue any orders or establish any procedures deemed necessary to select and empanel a jury.

I configured chairs in Divisions 15 and 17 to determine whether a jury of twelve or thirteen persons could be seated in those courtrooms and photographs were taken. I did not rearrange chairs in Division 16 or take photographs because only five chairs can be arranged in the jury box and the initial measurements confirmed that far less than seven chairs can be placed in the well area for jury seating. I was able to arrange only eleven (11) chairs in the well area of Divisions 15 and 17 with six feet of social distancing, maintaining exit pathways, and having a line of sight from each juror's chair to the witness box, the bench, and counsel tables. An additional chair could be placed in the well area if the podium in those courtrooms is moved; however, one (or two if the podium is moved) juror(s) would be seated just over six feet from the witness box and this could present an issue if there are security concerns for certain witnesses. Six jurors can be seated in the jury box in Division 15 and five jurors can be seated in the box in Division 17.

Division 15 Courtroom

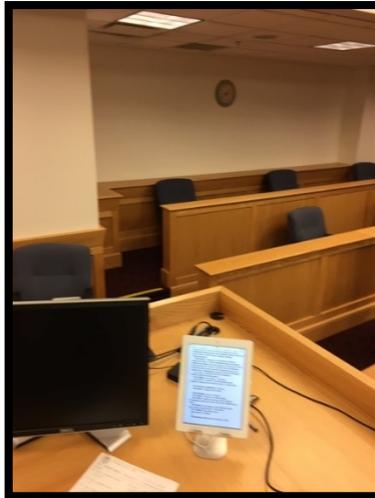




The PVC measuring rod in the photographs above taken in Division 15 above is six feet long. Attorney tables in Divisions 15, 16, and 17 are the same size and they are smaller than the tables in Divisions 11 and 12. The only way to effectively maintain six feet of social distancing at counsel tables is to seat either one or both occupants on the end of the table. The tables would need to be moved and this would result in less seating area for jurors in the well area.

Division 17 Courtroom





The maximum seating capacity of the gallery area of Divisions 15 and 17 are fifteen and thirteen persons, respectively, if the defendant is not in custody. The seating capacity will be reduced if the defendant is in custody to maintain an empty row in the gallery behind the defense counsel table for security reasons, or non-jurors wish to be in the courtroom during jury selection. Division 16 has room for twelve persons in the gallery.

V. ASSEMBLING JURORS

- A. The Plaza West jury assembly room has been configured to accommodate social distancing of six feet or more between chairs and the maximum capacity of the room is 33 jurors. Tape has been placed on the floor to mark chair placement to maintain six feet or more of social distancing. While social distancing and other health measures are in place, use of the jury assembly room will be limited to jury trial use unless another use is preapproved by the Chief Judge or Court Executive.



- B. The jury commissioner will issue a sufficient number of summonses for each jury trial to reach the goal of having no more than 33 people in the jury assembly room at one time. Summonses for jury duty are sent five weeks ahead of the reporting date, so proper planning and coordination are essential to safely summon jurors.
- C. Prior to entering the designated building, weather permitting, or immediately upon entering the building in inclement weather, jurors will be prescreened by court staff using placards containing juror health assessment questions, shown on the following page, and the juror's temperature will be taken with a non-contact thermometer. Any juror having a temperature at or over 100.4 or who answers "yes" to any one or more of the first three questions on the placard, including a "yes" answer to any of the symptoms listed in the first question, will be released before entering the jury assembly room and the juror's service will be rescheduled for a later date. This administrative order provides authority for the jury commissioner and those assisting the jury commissioner to excuse the juror without any further actions taken by the judge presiding over the trial, because it is this Court's finding that an answer of "yes" to any of these questions or a temperature of 100.4 or above provides a sufficient basis to excuse the juror to reduce the possible risk of exposure to other persons. *See* C.R.S. §13-71-115(3) ("if a person's answers to a questionnaire indicate that the person is disqualified or disabled from performing jury service ... or, in the opinion of the court, state grounds sufficient to be excused from jury duty ... the person's name shall not be included in the jury pool and the court shall notify the person that he or she is

excused from jury service.”). The staff member shall note on the person’s health questionnaire that the prospective juror was excused prior to entering the building.



**NINETEENTH JUDICIAL DISTRICT
WELD COUNTY COMBINED COURTS
JUROR HEALTH SELF ASSESSMENT**

Are you currently experiencing one or more of any of the following symptoms that are not common for you (or related to an underlying condition you have)?

- Fever of 100.4 or higher
- Cough
- Difficulty breathing or shortness of breath
- Muscle or body aches
- Sore throat
- New loss of taste or smell
- Fever or Chills
- Fatigue
- Headache
- Congestion or runny nose
- Nausea, vomiting, or diarrhea

Have you been diagnosed with or tested positive for COVID-19 within the past 14 days?

Have you been exposed in the past 14 days to someone who has been diagnosed with or has shown symptoms of COVID-19?

Are you or do you reside with a vulnerable individual?

Have you traveled outside of Colorado within the past 14 days?

If you answer YES to any of the questions above, please inform court staff!

19JD – Juror Health Screen – Questions only (rev. 10 23 2020)

- D. If a juror answers yes to questions 4 or 5 and the person is not asking to be excused from jury service, court staff will direct the juror into the jury assembly room. If the juror requests to be excused, court staff will notify the trial judge, who may then discuss this with the attorneys.
- E. After initial health screening has been completed, prospective jurors will present the completed juror summons questionnaire (the bottom part of the summons) to the jury commissioner.
- F. Restrooms are available in the jury assembly room and with signs indicating the direction from the corridor to enter and exit the restrooms. We are requesting that

only one person use the restroom at a time (one person in the men's restroom and one person in the women's restroom). The drinking fountains in the jury assembly room have been turned off and signs posted that the drinking fountains are inoperable. Drinking water is available to jurors through a sink and faucet in the room, and the court will provide bottled water to empaneled jurors. Jurors are permitted to bring their own plastic bottles or reusable containers of drinking water.

- G. Jurors will be brought to the courtroom as expeditiously as possible after they view the orientation video and any preliminary matters for the trial are completed outside their presence. The judge presiding over the case will work with the jury commissioner on any matters that require special procedures, such as completing a case-specific questionnaire or individual juror questioning, as this will likely require jurors to remain in the jury assembly room for extended periods of time. Coordination will occur between division teams, including the judge presiding over the trial, and the jury commissioner to discuss the use of the jury assembly room for breaks and jurors reporting after recesses or on the subsequent days of trial. The maximum capacity of 33 in the jury assembly room cannot be exceeded at any time and the room must be cleared, sanitized, and aired out between uses by jury panels.
- H. Due to the limited available space in the jury assembly room, persons who are not summoned for jury duty will not be allowed to accompany a prospective juror into the room, absent a showing of a need for the guest to assist the prospective juror in some manner.

VI. TRIAL PROCEDURES

- A. Because the number of litigants, attorneys, staff for attorneys, and security officers will vary by trial, the presiding judge may need to limit the number of prospective jurors in the courtroom at one time to stay within the room occupancy limits. Depending upon the nature of the trial, the judge presiding over the trial will have the bailiff inform any prospective jurors not allowed into the courtroom to wait in the jury assembly room, return later at a specified time, or participate in jury selection from an overflow room.
- B. Unless granted permission from the court, attorneys shall conduct all aspects of the trial while seated at counsel tables. Attorneys must position and use the microphone to ensure an accurate record is made. The Chief Judge may assign a

court reporter for six or seven-person jury trials, depending on the needs of the district.

- C. Courtrooms using a hand-held microphone during voir dire must ensure that the microphone is sanitized by court staff between use by each juror and a new microphone cover is used for each person.
- D. Pursuant to Administrative Order 2020-16, prospective jurors, attorneys, witnesses, and court personnel must wear their facial covering at all times unless an exemption applies or the person is otherwise granted permission by the Court to temporarily remove their facial covering. The requirement to wear a facial covering applies regardless of whether the person has been fully vaccinated for COVID-19.
- E. Bench conferences may be conducted through use of two-way radio, electronically through email, or through a method approved by the presiding judge that can be done while maintaining proper social distancing and ensuring an accurate record is made. If the two-way radio is used, the judge, attorneys, and court reporter will be equipped with a device set on the same channel. We have run a test with these radios and there is no interference with the radio frequencies used by the WCSO for their radios. We learned that channel 3 of the court's radio picks up communication from outside the courthouse, so that channel should not be used for court proceedings. There are 16 channels on the court's radios. The defense attorney and defendant will also have the use of the two-way radio or a private intercom telephone available from the court to communicate privately and securely with counsel, if they so choose. The attorney and client may also communicate in writing by passing notes. Any other method of communication must be cleared first with the presiding judge before use at trial.
- F. Maintenance personnel will disinfect daily all areas that the jurors, potential jurors, witnesses, and litigants will be occupying in the courtroom each evening. The bailiff shall sanitize any area that may seat multiple individuals, including juror chairs during voir dire and the witness box. Each courtroom will be equipped with necessary personal protective equipment including hand sanitizer, disinfecting wipes, diluted bleach spray, disposable masks and gloves, and sanitized pens.

- G. Microphone covers will be used on all microphones and changed between microphone use by different persons (i.e. between witnesses). Microphone covers will be discarded after a single use.
- H. Prior to coming to court, the jury, attorneys and their staff, parties, witnesses, and court personnel shall self-screen to determine whether they have any symptoms of COVID-19 and shall inform the court if anyone is experiencing symptoms.
- I. Any person involved in the trial experiencing one or more symptoms of COVID-19 shall not report in person to the courthouse. Instead, such person shall contact and inform the court, bailiff, or appropriate attorney that they did not pass their self-screening protocol. Such person need not disclose their specific symptom(s) and the person that such individual has contacted shall not ask them to do so.
- J. Due to social distancing requirements, the size and layout of the courtroom, locations that the jurors and parties will be seated, and the desire to limit multiple persons touching the same item (i.e. paper used for questions), it will be very difficult to allow jurors to ask questions of witnesses in a safe manner. Therefore, jurors will not be permitted to ask questions of witnesses unless the judge presiding over the case finds exceptional circumstances or a particularized need exists in the case to allow juror questions. If unusual circumstances exist, the presiding judge may modify the provisions of this order and allow juror questions, provided the health of the participants and spectators at the trial is not compromised.
- K. Instead of handing exhibits directly to the jury when publishing exhibits during evidence presentation, the standard practice shall be to have such exhibit displayed using existing courtroom technology, including digital display of exhibits through laptops to the projector screen, display of exhibits on the Elmo, or a method pre-approved by the judge presiding over the case that doesn't require multiple people to handle the same item. Additionally, hard copies of the exhibits and media must be tendered to the court. The presiding judge shall direct counsel how to display any exhibits that cannot be displayed electronically.
- L. The attorney admitting evidence shall ensure that each juror has their own paper copy of each exhibit (including copies of photos, which may be multiple photos per page) and a photograph of each physical exhibit prior to the jury beginning deliberations. Physical exhibits shall be kept in a sealed plastic exhibit bag as much

as practicable, so that the bag can be sanitized without compromising the contents of the bag.

M. To maximize the utilization of limited courtroom space, public seating may be limited in the courtrooms during jury selection. If there are persons who wish to be present who cannot because of space limitations, the judge presiding over the case shall arrange for a WebEx or Polycom video and audio feed, preferably a closed feed to an observation room in the courthouse. More persons will be allowed in the courtroom once the jury is empaneled, provided the total number of individuals in the courtroom does not exceed the maximum capacity with proper social distancing.

N. All county court criminal courtrooms shall be arranged to provide room to seat jurors in the jury box, in the well of the court, and on the benches in the gallery, and to allow at least six feet of distance from one person to another. The presiding judge shall limit the number of individuals within the courtrooms to no more than what has been designated as capacity at any one time.

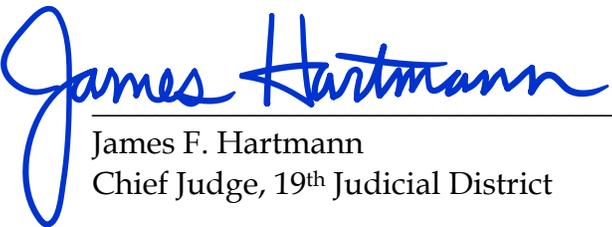
The provisions of this Administrative Order 2021-03 shall apply to all civil and criminal jury trials held in the 19th Judicial District until further notice. A judge requesting modification or waiver of any provision of the order for a specific trial shall seek prior approval of the Chief Judge.

This administrative order does not apply to grand jury proceedings and the procedures applicable to grand jury sessions will be provided by the Chief Judge directly to the District Attorney's Office.

I reserve the right to modify, revise, or vacate this order at any time to meet the health and safety needs of the public.

Dated: March 3, 2021

BY THE COURT


James F. Hartmann
Chief Judge, 19th Judicial District