



**TWENTY-FIRST JUDICIAL DISTRICT  
ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2020-17  
ORDER PERMITTING JURY TRIALS TO BE CONDUCTED WITH THE APPROVAL OF THE CHIEF JUDGE  
(SUPERSEDES AO 2020-16 ON OCTOBER 13, 2020)**

The Governor of Colorado has declared a State of Emergency related to the presence 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 several emergency measures.

On May 5, 2020, Chief Justice Coats issued an updated order regarding the operation of Colorado state courts. In his order, the Chief Justice requires all state courts to continue to operate on an emergency basis and “continue the safe conduct of all legal business, whether essential or not.”

On July 24, 2020, Chief Justice Coats issued his Updated Order Regarding COVID-19 and Operation of Colorado State Courts. Pursuant to this order, the Chief Justice stated that a waiver from him to conduct a jury trial would no longer be required but that “no person shall be summoned to assemble for jury service in a state court without authorization of the Chief Judge of the particular district, following his or her determination that the jury pool in question can be safely assembled consistent with applicable executive orders and health directives.”

On August 4, 2020, I issued Administrative Order 2020-16 postponing jury trials due to exigent circumstances. As mentioned in that order, I stated that our district would continue to review our operations to identify measures that would help to slow the spread of COVID-19 by minimizing contact between persons, while at the same time preserving our core mission of serving the public through the fair and impartial administration of justice.

Our district has worked with Mesa County Public Health and has considered input from several stakeholders regarding procedures that could be put into place that would allow for our district to conduct jury trials, including felony jury trials, in a manner that would best minimize contact between persons and also protect individual’s rights. Furthermore, Mesa County has continued to be remarkable in its efforts to assist the courts in our efforts to continue with our core mission and has now installed additional infrastructure, including plexiglass barriers in the courtrooms and numerous hand sanitizing

stations throughout the justice center, that now make it possible for us to proceed with felony jury trials.

IT IS HEREBY ORDERED, effective immediately, that:

(1) A jury trial may not proceed without the prior approval of the Chief Judge.

(2) After considering both the interests of justice and the risks to public health, a judge may submit a request to the Chief Judge for approval to conduct a jury trial that is scheduled to begin on or after October 13, 2020. If the Chief Judge approves the request, the trial must be conducted in accord with the requirements of the Chief Judge and all public health orders. The trial judge may also order any additional requirements that are deemed to be appropriate.

(3) Given current public health orders, as well as the space limitations of the Mesa County Justice Center, presiding judges may still postpone jury trials and declare mistrials due to a public health crisis or limitations brought about by such crisis, even if a jury trial has been approved by the Chief Judge. Pursuant to Crim. P. 24(c)(4), the declaration of a mistrial, however, must be supported by specific findings.

(4) Administrative Order 2020-14, which places a limit on the number of people who may be present in a courtroom when **non-essential** judicial functions are being conducted, does not apply to jury trials that are conducted pursuant to this Order. Furthermore, effective October 13, 2020, this Order will supersede Administrative Order 2020-16.

Done this 18<sup>th</sup> day of September 2020.

  
BRIAN J. FLYNN  
Chief Judge