

# **21<sup>ST</sup> Judicial District Jury Trial Plan** **(Mesa County, Colorado)**

**VERSION 4/19/2021**

## **I. Summary**

Mesa County Public Health (MCPH) has stated that with their recommended protocols in place it is advisable for our district to conduct jury trials.

MCPH has approved this plan. Regarding courtroom procedures, these are the minimum restrictions required and the presiding judge may impose additional restrictions that are not prohibited by law.

## **II. Juror Summonses**

A summons will be mailed to a potential juror as soon as practicable before the scheduled trial date. There shall be language in the summons informing the juror of COVID-19 precautions, including not to report if they are ill or have a reasonable belief that they have been exposed to COVID-19 within the 14 days prior to their report date and that, if a face covering is required by a Public Health Order or Resolution of the Mesa County Board of Commissioners, they must bring and wear a facial covering when reporting for jury service, unless they are exempt by law. The summons shall also direct the juror to call a phone number and listen to a prerecorded message regarding precautions related to their service and to visit the jury webpage to view additional information regarding precautions.

A potential juror may request a postponement by completing the postponement section of the summons and emailing or mailing it to the jury commissioner, online at: [https://www.courts.state.co.us/Jury/District/Location.cfm?Location\\_ID=75&Section=Postponement](https://www.courts.state.co.us/Jury/District/Location.cfm?Location_ID=75&Section=Postponement), or by contacting the jury commissioner.

## **III. Juror Arrival at Courthouse**

Jurors' reporting times will be staggered as necessary to maintain proper social distancing (3 feet). If required by a Public Health Order or Resolution of the Mesa County Board of Commissioners, jurors shall arrive at the justice center wearing a face covering over their mouth and nose, unless they are exempt by law. Jurors will be brought into the justice center via the East doors and signage at other entrances and staff present will direct jurors to this entrance. The South doors will continue to be open for all other court business. Upon arrival at the justice center, jurors will be asked, while in a properly socially distanced line (3 feet between each

individual), if they have any of the symptoms of COVID-19 and signage will be present informing the public of the symptoms.

Jurors will be seated in the jury assembly room in chairs that are properly socially distanced (3 feet). For juror check-in, jurors will be called by row and then be seated again in their original seats. When the jurors are checked in and the court is ready to proceed, a bailiff will accompany the jurors to the courtroom.

## **IV. Trial**

There will be markings on the floors indicating proper social distancing (3 feet) and jurors will be instructed to maintain proper social distancing (3 feet) as they move throughout the justice center. Staff will always make every effort to maintain proper social distancing (3 feet) between the jurors.

If required by a Public Health Order or Resolution of the Mesa County Board of Commissioners, individuals shall wear a face covering over their mouth and nose, unless the person is a participant in the trial, engaged in a speaking part, their voice is amplified by a microphone, and they are maintaining proper social distancing (3 feet) or separated by plexiglass from others.

If required by a Public Health Order or Resolution of the Mesa County Board of Commissioners, witnesses shall enter the courtroom and exit the courtroom wearing a face covering over their mouth and nose. Before each witness testifies, the witness stand shall be sanitized.

Individuals who are exempt from Public Health Orders and Resolutions of the Mesa County Board of Commissioners (i.e., individuals who cannot medically tolerate a face covering, individuals who are hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication, individuals who are actively engaged in a public safety role such as law enforcement, and individuals who are giving a speech for an audience), as well as the presiding judge, are not required to wear a face covering.

If a face covering is required by a Public Health Order or Resolution of the Mesa County Board of Commissioners, staff will make every effort to make certain that jurors are properly wearing a face covering.

The presiding judge will conduct the initial introduction, initial jury qualification process, and relay related COVID-19 information, including any additional precautions that the presiding judge deems to be necessary.

Courtrooms will be used for jury selection and accommodations, if necessary, will be made to make certain proper social distancing (3 feet) is maintained by the jurors, unless the jurors are

separated by plexiglass. If more than 100 persons (not to exceed 500 persons) are gathered in a room in a Public Indoor Space (e.g., the Jury Assembly Room, courtroom, or other public venue used for jury selection), proper social distancing of 6 feet between persons shall be maintained.

There will be room in the gallery for members of the public to be seated with proper social distancing (3 feet, unless the individuals are from the same household). Accommodations, if requested and found to be necessary by the presiding judge, will be made to permit additional persons to view the trial via a closed video-feed while they are in another room in the justice center.

Every day during the trial, when jurors report for jury duty they will be asked if they have any Covid-19 symptoms. At the end of each day, all participants, including the jurors, will be instructed to call the jury commissioner before 7:30 a.m. the next day if they develop any COVID-19 symptoms.

Courtrooms conducting jury trials will be cleaned periodically throughout the day. Hand sanitizer stations have been installed throughout the justice center and individuals will be encouraged to use them.

Sidebar conferences, if necessary, will be conducted as determined to be appropriate by the presiding judge. During recesses, bailiffs will escort jurors to designated jury deliberation rooms or areas of the courthouse where proper social distancing (3 feet) can be maintained.

Deliberations will take place either in the Jury Assembly Room, a courtroom, or jury deliberation room that is large enough for the jurors to maintain proper social distancing (3 feet). In the event a courtroom is closed for deliberations, signs will also be placed on the courtroom doors indicating that a jury is deliberating.

The jurors will be instructed to always return to their same seats and maintain proper social distancing (3 feet) while deliberating.

Any food provided to the jury shall be individually packaged for each juror.

Juror notebooks will be stored in a manner that will not allow for cross contamination. Any post-verdict discussions between the judge, jury, attorneys, or other participants in the trial shall only occur with proper social distancing (3 feet) and, if required by a Public Health Order or Resolution of the Mesa County Board of Commissioners, participants wearing face coverings.