

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

VERSION 12/6/2021

## 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. Face Coverings

Mesa County is an area of high transmission for the virus that causes COVID-19. To reduce the risk of infection with COVID-19 and potentially spreading it to others, the CDC and Mesa County Public Health strongly recommend that people wear a face covering indoors in public if they are in an area of substantial or high transmission, regardless of vaccination status. Therefore, jurors will be required to wear a face covering while reporting and serving on a jury unless they are exempt by law.

Unless **exempt**, jurors, witnesses, bailiffs, attorneys, and others who are in the courtroom shall wear a face covering during the trial.

The following individuals are **exempt** from wearing a face covering: the trial judge; individuals who cannot medically tolerate a face covering; individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication; individuals who are asked to temporarily remove a face covering for identification purposes; individuals who are engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel; and **individuals who are participants in the trial (i.e., witnesses and attorneys) and who are engaged in a speaking part, their voice is amplified by a microphone, and they are socially distanced from others (3 feet).**

A face covering may also be temporarily removed for the purposes of eating and drinking. The trial judge also has the authority to permit temporarily removal of a face covering as the trial judge deems appropriate.

### **III. Juror Summonses**

A summons will be mailed to a potential juror as soon as practicable before the scheduled trial date. The summons shall 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.

### **IV. Juror Arrival at Courthouse**

Jurors' reporting times will be staggered as necessary to maintain proper social distancing (3 feet). Jurors shall arrive at the justice center wearing a face covering over their mouth and nose unless they are exempt by law.

Upon arrival at the Jury Assembly Room (JAR), jurors will be asked, while in a properly socially distanced line (3 feet), 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 JAR in chairs that are properly socially distanced (3 feet). When the jurors are checked in and the court is ready to proceed, a bailiff will accompany the jurors to the courtroom.

### **V. 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.

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

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 by video.

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.

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 JAR, 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).