

<p>TWENTY SECOND JUDICIAL DISTRICT in and for DOLORES AND MONTEZUMA COUNTIES</p> <p>STATE OF COLORADO</p>	
<p><b>ADMINISTRATIVE ORDER 2020-07 CONCERNING PROCEDURES DURING PRESENT COVID-19 CRISIS</b></p>	

**SUMMARY OF ORDER**

The following order can be summarized to include the following primary points:

- 1. A public health crisis exists as a result of Covid-19 infections in the 22<sup>nd</sup> Judicial District.**
- 2. Those who have been exposed to Covid-19 or who have any of the common symptoms are not allowed in court facilities in the 22<sup>nd</sup> Judicial District**
- 3. All persons in the building must wear face coverings and must practice social distancing and are subject to a health screen before entering**
- 4. All jury trials are suspended pending further order.**
- 5. All civil proceedings and as many criminal proceedings as are allowed by rule will be conducted by WebEx. WebEx instructions are attached as Appendix A to this order.**
- 6. Only judges, judicial personnel, courtroom security and transport officers, defendants, attorneys, witnesses called to testify, or victims of a crime as defined in C.R.S. 24-4.1-302, are allowed in the courtroom.**
- 7. There are additional provisions and all persons with business before the Court's in the 22<sup>nd</sup> Judicial District are subject to the provisions of this order.**

## **ORDER**

In light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control and the Colorado Department of Public Health and Environment (CDPHE) recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the courts and probation department of the 22nd Judicial District previously restricted access to the Courthouse and modified operations. The 22<sup>nd</sup> Judicial District will continue to adapt to changing conditions and will adjust courthouse operations as needed. The present health emergency has shown that while not ideal, it is possible to conduct many matters by audio-visual devices. Meanwhile the virus continues to spread, and many experts predict that the coming winter months will show a dramatic increase in the number of Covid-19 cases throughout the country. It is not uncommon to see at least 1,000 deaths due to Covid-19 in a day in the United States. Between November 1, 2020 and the November 10, 2020, Montezuma County has seen 85 confirmed cases of Covid-19 reported to the health department. This compares with a total of 318 total cases as of November 10, 2020. The November total is more than 25% of the total for the last seven- and one-half months. This results in a need for an order that modifies the prior Chief Judge orders concerning court and probation operations. As a result of this spike in infections, the Court finds that a public health crisis exists

This order repeals and replaces all prior orders issued by the undersigned concerning conducting business during the present Covid-19 pandemic in the Montezuma

County Combined Courthouse and the Dolores County Courtroom, clerk's office and judge's chambers.

Pursuant to the authority granted in Chief Justice Directive 95-01 and in consideration of the Chief Justice's Orders Regarding COVID-19 and Operation of Colorado State Courts, it is hereby **ORDERED**, effective November 16, 2020 as follows:

**1. Persons Who May Not Enter the Montezuma Combined Courts building or the Dolores County Courtroom and clerk's office and judge's chambers**

Persons who meet any of the below criteria are prohibited from entering the Montezuma County Combined Courts building or the Dolores County Court facility including the Courtroom and the Clerk's office and judge's chambers.

a. Anyone who has been diagnosed with COVID-19 and who has not tested free of the virus;

b. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the past 14 days;

c. Anyone who is experiencing a fever, cough, shortness of breath, any respiratory illness symptoms, muscle aches, sore throat, a new loss of taste or smell or chills, nausea, diarrhea, or a tickle or scratchy feeling at the back of the throat.

**2. All persons entering the Montezuma County Combined Courts building and the Dolores County Courtroom and clerk's office through public access points are subject to health screenings as a condition of entry.**

a. All persons entering the Montezuma County Combined Courts Building and the Dolores County courtroom and Clerk's office through public access points will have

their temperature taken by courthouse security deputies by use of a touchless infrared thermometer. Said persons will also be required to answer basic questions to determine if that person is experiencing any of the symptoms described in paragraphs 1 (c) above or if any of the other circumstances described above in paragraphs 1. (a) and (b), apply to that person. If any person answers yes to any of the questions of if the person's temperature is above 100.4 degrees, that person will be denied entrance to the courthouse in Montezuma County or the court facilities in Dolores County, and they must leave immediately.

b. If any defendant who is appearing on the date of her/his court appearance is denied entry under this provision, the security deputies are to take that persons' name and promptly inform the clerks that the party appeared. The defendant will then be instructed to call the clerk at (970) 565-1111 in Montezuma County or (970) 677-2258 in Dolores County. That person will be instructed by the clerk to call or appear for the proceeding via WebEx. The Clerk will promptly notify the Court that the defendant was to appear in of the situation. Any defendant who is turned away from entry on a day that that person is scheduled to be in court before the time of day that the defendant was set, and who does not have a telephone, will be deemed to have appeared for their case and no warrant will issue for that defendant. In such case, it is the defendant's responsibility to obtain a new court date and to appear on that new court date.

c. If any defendant who is appearing as required by probation is denied entry under this provision, the security deputies are to take that persons' name and promptly inform the probation department that the defendant appeared. The defendant will then be

instructed to call the probation department at 970-565-7216 for information about a rescheduling.

d. Any other person who is due in Court as a witness who meets any of the above criteria should not come to court but instead should call (970) 565-1111 for Montezuma County cases or (970) 677-2258 for Dolores County cases to request to appear by phone, or to receive further instructions.

### **3. Social Distancing and the use of face coverings**

a. All persons in the Montezuma County Combined Courthouse, the Dolores County Courtroom and the Dolores County Court Clerk's office, except as set out below, must wear a face covering at all times. Any person who cannot wear a face covering for medical reasons may have contact with the Courts and probation by telephone, the US mail or by email. Judicial and probation staff, court security and judicial officers need not wear a face covering if they are in their private office or in their separate cubicle.

b. A face covering is a mask or other item made of cloth or paper which may be worn in such a manner as to cover the person's mouth and nose. A cloth or paper mask must be made of material that is thick enough and with a sufficient weave that when the mask is held up to the light, objects beyond it are not visible except as a shadow, through the mask. Clear plastic face shields are acceptable substitutes if they wrap around the sides of the wearer's face and extend to below the chin. The face covering must be worn correctly at all times in order to cover the nose and mouth of the wearer. Individual judges may allow or instruct persons wearing masks in their courtroom to remove them briefly if needed in the course of a hearing if the judicial officer deems it necessary to see

the entire face of a witness. Witnesses who are testifying behind a clear glass-like screen may remove their mask while testifying.

c. Any person entering the Montezuma County Combined Courthouse and the Dolores County Courtroom, clerk's office and judge's chambers will strictly observe social distancing. "Social distancing" as used in this order means staying at least 6 feet from any other person at the courthouse at all times. Persons who live together may be closer than 6 feet from each other, but the family unit will remain at least 6 feet from any other person.

d. All persons who are intending to enter any courtroom in the Montezuma County Combined Courthouse, including counsel and defendants will proceed directly from the secure entry to the Clerk's window marked with a check-in sign. The person will to declare which courtroom they are going to. The judicial assistant will then indicate whether the courtroom has sufficient room for the person or not. If there is enough room, the judicial assistant will inform the person to go to the courtroom. If there is not enough room, then the clerk will instruct the person where to wait until there is enough room in the courtroom for the person to enter.

e. There will be times when individual judges have a need for a docket that in the past, would have normally resulted in more than 10 persons in the Courtroom. Under these circumstances, each individual judicial officer will conduct such a proceeding or docket in a fashion to stagger the entry of parties and attorneys so that there are never more than 10 persons in the courtroom. If there is a need to allow more than 10 persons (excluding the Judge, court personnel and security deputies) to participate in or observe a

proceeding, for example a sentencing with multiple victims, the seating in the courtroom, after the parties and attorneys will be on a first come basis

f. Any person who wishes to enter the Montezuma County Combined Court building or the Dolores County Courtroom for judicial business who does not have a face covering may obtain one at the security screening station in Montezuma county or at the clerk's office in Dolores County. The District will provide a mask, free of charge, to that person, so long as the District's supply lasts. The 22<sup>nd</sup> Judicial District has a limited supply of masks and when it has exhausted its supply, the requirement that the security deputies or the clerk's office hand them out will be suspended until such time as a supplemental supply is procured by the district.

#### **4. Court and probation operations**

The Clerk's office in Montezuma Count will be open to the public Monday to Friday (holiday excepted) from 9:00 a.m. to Noon and 1:00 p.m. to 4:00 p.m. The clerk's office in Dolores County will be open to the public every Monday and Tuesday from 10;00 a.m. to 2:00 p.m. and on Fridays from 9:00 a.m. to 11:00 a.m. The probation department at the Montezuma County Combined Courts building will not be open to the public except when completing necessary appointments for presentence investigations including assessments and as directed by the probation department for intake appointments.

#### **5. Filings (non-warrant)**

The court will continue to accept electronic filings through ICCES for case types in the ICCES system, or through other established systems. Any attorney must continue

to file through the ICCES system, any pleading which is accepted by that system.

Persons who are not represented or attorneys who are filing documents in a case type that is not supported by ICCES may file pleadings by US mail, Fed Ex, UPS, FAX or by e-mail. Any person filing by FAX should telephone the clerks after faxing their document to confirm receipt of the document. Any person filing by email should include the document as a PDF attachment with a cover email showing their email address and other contact information. All pleadings must continue to include a certificate of service that is properly filled out and signed. In-person filing will still be accepted, but is highly discouraged.

#### **6. Filings for warrants**

a. Law enforcement is to present **all** requests for warrants (both search and arrest) through the on-call judge web address previously used for after-hours filing. Law enforcement is not to present requests for warrants in paper form. This requirement applies 24 hours per day, regardless if the Courthouses are open or not. During business hours, law enforcement seeking a warrant will send the warrant request to the on-call judge mailbox and then will call the appropriate clerk's office (Montezuma county at (970) 565-1111 or Dolores county at (970) 677-2258) and inform the clerk that a request for warrant has been emailed to the on-call judge e-mail address. The Clerk will then arrange for any available judge to review the request. If the warrant is granted, an electronic copy will be sent to the person requesting it by the clerk. If the warrant is not granted, the clerk will inform the officer.

b. During non-business hours, law enforcement who is seeking a warrant will follow the on-call judge procedure as established by the court.

**7. No Jury Trials**

No jury trials will be held in the 22<sup>nd</sup> Judicial District until further order. All jury trials to be held after the district resume jury trials will be subject to a separate order or orders.

**8. Hearings other than jury trials**

a. All appearances, hearings, conferences, criminal proceedings, bond hearings and civil proceedings will be conducted by video or telephone using WebEx unless personal appearances are required under Rule 43 of the Rules of Criminal Procedure. The use of WebEx is mandatory and in-person court appearances are not allowed, except for court appearances where the defendant does not consent to appearing by interactive audiovisual devices under Crim. P. 43 or trials to the court in criminal and juvenile cases. The individual judges are expressly authorized to hear any matter that can be heard by telephone or by audio-video device. Any subpoena issued in a civil matter will instruct the witness to appear by WebEx and not in person. Civil subpoenas will provide instructions to inform the witness how to connect with the correct WebEx virtual courtroom. Parties in criminal matters are encouraged to consent to the appearance of witnesses by use of an audiovisual device that shows the witness' face.

b. Any party who is represented by multiple attorneys may have one and only one attorney at a time in the Courtroom. Any party who is represented by more than one attorney or who wishes to have the attorney's staff present, shall be responsible to make

arrangements for the extra attorneys or staff to have access to the courtroom by audio visual device. Any attorney in the courtroom may have contemporaneous telephonic or email contact with the other attorneys or staff person monitoring the case from outside the courtroom.

c. The attorney and client may sit closer than 6 feet if they wish in order to confer with each other during a hearing. The attorney and client may use electronic devices to communicate with each other by email, text or by voice. The attorney or client must provide any device used. Attorneys will address the Court and witnesses from counsel table. Any electronic device that will be used to communicate by voice must be cleared prior to its use by court security and court staff to ensure that it will not interfere with the Court's equipment or security's communication devices.

d. All exhibits in civil proceedings, that are offered in a particular hearing must be pre-marked and e-filed by an attorney or emailed to the clerk and the other party, at least 24 hours prior to the hearing. Any paper or other physical exhibit will be exhibited and handled as directed by the presiding judge. Any exhibit in a criminal matter will be e-filed by the attorney who admits it. No physical exhibits will be admitted except with the permission of the judge hearing the case and then only under circumstances that require the actual physical item be admitted.

e. If any person wishes to participate in or observe any court appearance, they may do so by WebEx and personal appearances of those who are not defendants, attorneys, witnesses or victims of a crime as defined in C.R.S. 24-4.1-302, are not allowed in the courtroom.

**9. Extrajudicial Activities:**

The use of the Montezuma County Combined Courthouse or the court facilities (Courtroom, Jury Room and Clerk’s office) in the Dolores County Courthouse for extrajudicial activities (e.g., the solemnization of marriages) is prohibited. Nothing in this provision will prevent meetings that are called by the chief judge or with the permission of the chief judge, for judicial purposes or other official governmental gatherings or meeting, provided that such meetings will not exceed 10 persons and the attendees are to stay at least 6 feet apart.

**10. Requests for Records**

Instructions with regard to making requests for records may be obtained by calling (970) 565-1111 for Montezuma County and (970) 677-2258 for Dolores County.

**11. Enforcement of order**

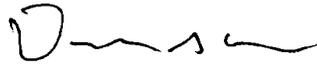
Any person who fails or refuses to comply with any portion of this order will be denied entry to the Court facilities or ordered to leave the building. Persons who refuse to comply may be found to be in contempt. Court Security is authorized and ordered to remove or deny entry to all persons who refuse to comply with the provisions of this order.

**12. Modifications of this Order**

Circumstances have changed rapidly and may continue to do so. The Chief Judge has the sole discretion to waive any provision of this order as he deems in the interest of the public and justice. The Chief Judge will continue to monitor available information and recommendations from health organizations and this order may be revised or

extended, as deemed necessary. All are encouraged to regularly check the website for the Colorado Judicial Branch ([www.courts.state.co.us](http://www.courts.state.co.us)) for the latest information, including the page that is specific to the 22nd Judicial District.

APPROVED AND SIGNED this 12th of November, 2020.



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Douglas S. Walker  
Chief Judge, 22<sup>nd</sup> Judicial District

APPENDIX A

WEBEX INSTRUCTIONS

COUNTY COURT

**JUDGE LAWRENCE, Division 1 (Montezuma County Court):**

To appear using the Webex Meetings Application:

In "Join a Meeting", enter the Meeting ID 926 719 417

To appear using a phone:

Call 1-720-650-7664 to reach Webex

When prompted, enter the Meeting ID 926 719 417 followed by #

When prompted for a participant number, enter # again. (you do not need an actual number, just enter #)

\*See additional instructions for first appearances on Wednesdays at the Court's website at:

[https://www.courts.state.co.us/Courts/County/Index.cfm?County\\_ID=66](https://www.courts.state.co.us/Courts/County/Index.cfm?County_ID=66)

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**JUDGE BACA, Division A (Dolores County Court)**

To appear using the Webex Meetings Application:

In "Join a Meeting", enter the Meeting ID 145-924-3296

To appear using a phone:

Call 1-720-650-7664 to reach Webex

When prompted, enter the Meeting ID 145-924-3296 followed by #

When prompted for a participant number, enter # again. (you do not need an actual number, just enter #)

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DISTRICT COURT

**JUDGE WALKER, Division 2:**

To appear using the Webex Meetings Application:

In "Join a Meeting", enter the Meeting ID 922 005 473

To appear using a phone:

Call 1-720-650-7664 to reach Webex

When prompted, enter the Meeting ID 922 005 473 followed by #

When prompted for a participant number, enter # again. (you do not need an actual number, just enter #)

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**JUDGE PLEWE, Division 4:**

To appear using the Webex Meetings Application:

In "Join a Meeting", enter the Meeting ID 923 446 024

To appear using a phone:

Call 1-720-650-7664 to reach Webex

When prompted, enter the Meeting ID 923 446 024 followed by #

When prompted for a participant number, enter # again. (you do not need an actual number, just enter #).]

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**Family court facilitator REBECCA GARDNER, Division 5:**

To appear using the Webex Meetings Application:

In "Join a Meeting", enter the Meeting ID 929 787 915

To appear using a phone:

Call 1-720-650-7664 to reach Webex

When prompted, enter the Meeting ID 929 787 915 followed by #

When prompted for a participant number, enter # again. (you do not need an actual number, just enter #).