

El Paso County and Teller County Combined Courts	▲ COURT USE ONLY ▲
CHIEF JUDGE ORDER NO. 2020-15	
ORDER FINDING COVID-19 PRECLUDES THE CALLING OF JURY PANELS FOR TRIALS SCHEDULED APRIL 6, 2020 THROUGH APRIL 17, 2020	

As Chief Judge for the Fourth Judicial District, I issue this order to provide direction to summoned jurors, attorneys, litigants, and all others associated with any jury trials scheduled to occur between April 6, 2020 and April 17, 2020 in the Fourth Judicial District. This order issues as a result of the public health risk posed by the Novel Coronavirus (“COVID-19”). Given the threat the pandemic currently presents to people participating in jury trials in the state courthouses of the Fourth Judicial District, this Court hereby releases any citizens from any state court jury summons in the Fourth Judicial District with a return date of between April 6, 2020 and April 17, 2020.

The court notes:

- The World Health Organization has pronounced that COVID-19 is a world-wide pandemic.
- On March 10, 2020, the Governor of Colorado, Governor Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado.
- On March 12, 2020, the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-20 restricting visitors at all Colorado skilled nursing facilities, assisted living residences, and intermediate care facilities.

- On March 13, 2020, President Donald Trump entered a proclamation declaring a National Emergency concerning COVID-19, and on March 18, 2020, President Trump issued an executive order prioritizing and allocating health and medical resources to respond to the spread of COVID-19.
- On March 14, 2020, Colorado State Public Defender Megan Ring sent a letter to Governor Polis, Chief Justice Coats of the Colorado Supreme Court, the State Court Administrator, and others, which recommended the courts significantly reduce visits by the public and limit the presence of court personnel and litigants at the courthouses.
- On March 15, 2020, the CDPHE recommended limiting all social gatherings to 50 people or fewer, based on recommendations of the Centers for Disease Control (“CDC”), and that all events involving more than 50 people be postponed.
- On March 16, 2020, the CDPHE issued a Public Health Order 20-22, closing all restaurants, bars, gyms, theaters, and casinos through April 30, 2020.
- On March 16, 2020, Chief Justice Coats issued an *Order Regarding COVID-19 and Operation of Colorado State Courts* suspending all jury trials, with the exception of jury calls for criminal cases facing imminent speedy trial deadlines, through April 3, 2020. In an order issued on March 20, 2020, Chief Justice Coats extended the suspension of jury calls through May 15, 2020, with the same exception. He also ordered all courts to minimize or eliminate in-person court proceedings and contact.
- During the month of March 2020, the Governor has issued a series of Executive Orders in an effort to slow the spread of COVID-19 and to mitigate the effects of the virus. Specifically, Executive Order D-2020-07 suspended all normal in-person instruction at all Colorado public and private schools from March 23, 2020 through April 17, 2020.
- On March 18, 2020, and as amended on March 20, 2020, the CDPHE issued Public Health Order 20-23 limiting all mass gatherings to 10 people or fewer. The 10-person limitation on gatherings went into effect on March 19, 2020. The 10-person limitation does not apply to certain entities, including Colorado state courts.
- Over the last several weeks, several courthouses in Colorado have been temporarily

closed because of the pandemic.

- On March 23, 2020, the City and County of Denver issued a Stay-at-Home Order that required all persons to shelter in place, with certain exceptions, effective March 24, 2020, through April 10, 2020.
- On March 25, 2020, Governor Polis issued Executive Order D-2020-17 imposing a statewide Emergency Temporary Stay at Home Order for Colorado, effective March 26, 2020 through April 11, 2020.
- On March 25, 2020, the CDPHE issued Amended Public Health Order 20-24 Implementing Stay at Home Requirements, which is in effect through April 11, 2020.
- As of March 31, 2020, according to the CDPHE, Colorado has had 2,966 people diagnosed with Covid-19, has seen 509 people hospitalized by Covid-19, and has seen the deaths of 69 people due to Covid-19. In El Paso County, 286 people have tested positive, and 7 people have tested positive in Teller County.
- Over the last several weeks, the El Paso County Jury Commissioner, Rachael Maestas, and her staff have received phone calls from approximately 50 citizens summoned for jury duty in the coming weeks who have expressed extreme anxiety and anger at the thought of having to come to the courthouse to fulfill their jury duty obligations.

As part of my administrative duties as Chief Judge, I have also requested direction from El Paso County Department of Health Deputy Medical Director Dr. Leon Kelly, an M.D. and licensed pathologist who also serves as the El Paso County Coroner. According to Dr. Kelly:

- At all times for potential jurors and jurors, a 6 feet-apart “social distancing” requirement must be maintained
 - This requirement must be met while potential jurors are in the jury waiting room
 - This requirement must be met during juror selection
 - This requirement must be met during the jury trial
 - This requirement must be met during juror deliberations

- All parties present in courtroom must maintain 6 feet-apart “social distancing” requirements
 - This would include any witnesses
 - This would include members of the public in the courtroom
 - This would include the defendant and his/her attorney(s)
 - This would include “side bars” that may occur between the court and parties
 - This would include the court reporter
- Recommend the courtroom used be fully cleaned every evening after use, and during lunch break (every item touched that is not an individual person’s item)
- Recommend the jury deliberation room used be fully cleaned every evening after use, and during lunch break (every item touched that is not an individual person’s item)
- Recommend any shared equipment used in the courtroom be fully cleaned every evening after use, and during lunch break (every item touched that is not an individual person’s item)
- Recommend that any parties in the courtroom touching evidence use gloves
- Recommend that if jury receives any evidence during trial or during deliberations, they be given gloves to touch such evidence
- If food is brought in for the jurors during deliberations, the food must be individually packaged
- Witness microphone will need to be cleaned properly after each witness testifies

As I did before I entered my March 27, 2020 order, CJO 2020-14, I have again consulted with Fourth Judicial District Attorney Dan May, Head of the Fourth Judicial District’s Public Defender Office Rose Roy, and current head of the local Criminal Defense Bar Association Josh Tolini.

Based on all of the information gathered by this court and out of concern for this community’s safety, pursuant to Chief Justice Directive 95-01(11)(a) and (c), I am rescinding all Fourth Judicial District state court jury summonses with return dates of between April 6, 2020 and April 17, 2020. I find that there is no way to hold a jury trial in either the El Paso County Courthouse or the Teller County Courthouse without unreasonably exposing jurors, parties, witnesses, attorneys, and court staff to the dangers of Covid-19 during that time frame.

The judicial officers in the Fourth Judicial District will continue to individually

determine the status of all cases set for jury trial during this time period, including addressing any speedy trial issues.

All parties affected by this order are still required to appear in court on the date currently set, unless otherwise directed by the judge or staff of the judge presiding over the case or by the defendant's attorney.

Date: April 1, 2020



Will Bain
Chief Judge
Fourth Judicial District