



**SEVENTEENTH JUDICIAL DISTRICT, STATE OF COLORADO
ADAMS AND BROOMFIELD COUNTIES**

**TEMPORARY CHIEF JUDGE ADMINISTRATIVE ORDER TEMPORARILY
AUTHORIZING RELEASE OF JUROR FOR HEALTH REASONS**

ISSUED MARCH 25, 2020

TCJO 2020-01

Pursuant to the authority granted to Chief Judges in Chief Justice Directive 95-01 and in light of the public health risk posed by COVID-19 (“novel coronavirus”) and the advisories and information circulated by the Centers for Disease Control, the Colorado Department of Public Health and Environment, and local public health departments recommending active steps to slow the spread of the virus and precautions to reduce the risk of exposure, the Court hereby finds and orders:

The constitutional right to a trial by jury for certain cases is one of the pillars of our justice system. Likewise, a person’s right to a speedy trial in criminal cases is provided by law. When considering the rights related to a jury trial, the Court must be mindful of the health concerns pertaining to the spread of COVID-19 (“Novel Coronavirus”). The Court has posted instructions on the 17th Judicial District Website (https://www.courts.state.co.us/Courts/District/Index.cfm?District_ID=17) for persons summoned for jury duty to request postponement prior to reporting; however, there may be persons who are not aware of these instructions and report for jury duty when that person is experiencing symptoms of an illness.

Colorado law provides for juror postponements. C.R.S. §13-71-116 (juror entitled to one postponement of jury service for up to six months). A juror may also defer jury

service for a variety of reasons pursuant to C.R.S. §13-71-119. In addition, a juror may be excused from jury service if jury service would “cause undue or extreme physical hardship” to the juror or someone under the direct care of the juror. C.R.S. §13-71-119.5. “Undue or extreme physical hardship” includes the possibility of the service resulting in illness or disease. §13-71-119.5(2)(d)(II). Either the court or jury commissioner is authorized to make the determination whether the juror would experience undue or extreme physical hardship. §13-71-119.5(2)(b).

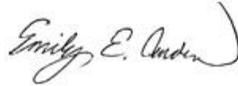
The Court finds that “undue extreme physical hardship” and the possibility of jury service resulting in illness or disease should not be limited only to that individual juror, but also other persons participating in the case. Therefore, in addition to all other provisions of law relating to juror postponements, deferrals, and excusals, the Court hereby authorizes the jury commissioner and those persons working under his or her direction and supervision to immediately excuse a juror who: (1) has been diagnosed with COVID-19 and that person does not have written verification that the person has received a subsequent test confirming that the juror is currently virus-free; (2) the juror has been in direct contact with someone who has been diagnosed with COVID-19 within the past fourteen days; (3) the juror is experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms, either through a report made by the juror or observations made by the jury commissioner or staff members working with the jury commissioner. The goal is to keep persons who may be ill from other prospective jurors as soon as practicable.

If a juror is released by the jury commissioner pursuant to the procedures established under this order, the jury commissioner will notify the division conducting the jury trial of the juror’s name, juror number, and the reason for the excusal, and the judge presiding over the trial will inform the parties on the record, outside of the presence of other prospective jurors, of the excusal. The parties may make any further record as they deem necessary.

This order expires on May 15, 2020, unless continued by the Chief Judge for COVID-19 concerns.

SO ORDERED this 25th day of March, 2020.

By the COURT,

A handwritten signature in cursive script that reads "Emily E. Anderson".

EMILY E. ANDERSON
Chief Judge
Seventeenth Judicial District