DISTRICT COURT, LARIMER COUNTY, COLORADO

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## ADMINISTRATIVE ORDER CONCERNING EXTENDING THE SUSPENSION OF JURY TRIALS THROUGH FEBRUARY 15, 2021

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## **ADMINISTRATIVE ORDER 2021-1**

On November 20, 2020, Administrative Order 2020-13 was entered suspending jury trials in the Eighth Judicial District through January 18, 2021. This order incorporates the findings and recitations in that order concerning the impact of the public health crisis related to COVID-19 on the conduct of jury trials in the Eighth Judicial District. On November 24, 2020, four days after Administrative Order 2020-13 was issued, the Colorado Department of Public Health and Environment (CDPHE) moved Larimer County to Level Red (Severe Risk) on the COVID-19 Dial due to the surge in COVID cases that prompted the suspension of jury trials. Since the November 20, 2020 Order was issued, the Eighth Judicial District has continued to communicate with the Larimer County Department of Health and Environment (LCDHE) and has continued to monitor the status of COVID-19 in our community. We remain committed to conducting as many of our essential functions as possible while promoting a safe and healthy environment for our employees and the public. In considering whether to conduct jury trials we must balance the rights of defendants and victims with the responsibility to conduct proceedings without risking the health of those involved.

COVID-19 continues to have a pervasive impact throughout Larimer County, the State of Colorado, the United States and the entire world. Fortunately, there has been a decrease in the number of cases which led to the CDPHE, at the request of Governor Polis, to move many counties, including Larimer County, from the Red level (Severe Risk) to the Orange level (High Risk) effective January 4, 2021. As of January 7, 2021, the Larimer County two-week cumulative case rate was 366 per 100,000 persons. While this rate is significantly better than it was in November, COVID-19 remains a significant public safety hazard in our community.

The Larimer County COVID-19 Dashboard lists risk factors to consider. The 14-day case rate per 100,000 people is still well into the high-risk category and in the last week has stopped dropping. The number of days in the past 14 with greater than 10% positive tests has increased in the last few days from two to four. On January 5, 2021, 97% of Larimer County ICU beds were listed as being in use. The rate of positive COVID tests has been dropping but for the week from December 28, 2020 (the most recent week listed) the rate bumped back up to 8.1%. LCDHE is concerned that any increase in cases as a result of holiday gatherings is not yet known and that there is likely to be a surge of cases related to the reopening of businesses with the move to Level Orange for all businesses and to Level Yellow for 5 star certified businesses as well as the return of Colorado State University students and the public schools' return to in-person learning. On or about December 9, 2020, authorities in London reported that a new variant of the coronavirus was identified that is notable for its capacity to spread more rapidly than previous strains of the coronavirus, in some instances as much as 40% to 70% more transmissible than the current virus. On December 30, 2020, CDPHE confirmed that the new variant has now been found in Colorado. Although vaccines for COVID-19 are beginning to be distributed, by mid-February there should be much wider distribution. Most counties in

Colorado, especially the urban or more densely populated counties, have suspended jury trials

through at least the middle of February.

Due to the ongoing public health issues related to the COVID-19 pandemic, it currently

remains unsafe for the courts of the 8<sup>th</sup> Judicial District to assemble a jury pool and to resume

hearing jury trials. Pursuant to the authority granted in Chief Justice Directive 95-01 and in

compliance with the Chief Justice Order dated July 24, 2020, it is hereby ORDERED that the

summoning of jurors for jury trials in the 8th Judicial District is suspended through February 15,

2021. Although jurors may be summoned for trials beginning February 16, 2021, the Chief Judge

will continue to monitor and consider all relevant public health information to determine when it

is appropriate to resume conducting jury trials. All jury trials scheduled through February 15,

2021 are vacated. The judges assigned to preside over the trials which are being vacated will

determine the procedure for resetting the cases for trial. Unless directed otherwise, parties and

counsel scheduled for a criminal jury trial during this period shall appear before the Court on the

first day of the scheduled trial. Except as set forth in this order, all court operations shall continue

under the existing operational orders.

Dated this 7th day of January, 2021.

Stephen E. Howard

Chief Judge, Eighth Judicial District

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