



ELEVENTH JUDICIAL DISTRICT

Chief Judge Order 22-01

Regarding Suspension of Jury Trials

Over the last 21 months, the courts have continued to monitor the status of the SARS-CoV-2 coronavirus (COVID-19) in our community. Today, COVID-19 remains pervasively impactful throughout the world, our country and our state. The 11th Judicial District is no exception. The Courts of the 11th Judicial District remain committed to conducting as much of our essential functions as possible while promoting a safe and healthy environment for our employees and the public. In response to the COVID-19 pandemic, I have entered orders modifying court operations and integrating additional safety measures to align with changing public health guidance. Taking these measures has allowed for continued public access to the courts and continuity in the provision of essential court services while ensuring public safety. Given the current state of the ongoing public health crisis, it is now appropriate that I must reassess these safety measures as they pertain to jury trials.

Over the course of the pandemic, I have issued numerous public safety and operation orders. This Order incorporates the findings and recitations set forth in prior orders.

As this public health crisis persists, I have been diligently assessing the impact of evolving Coronavirus variants. On or about November 24, 2021, authorities in South Africa reported that a new variant of the SARS-CoV-2 coronavirus was identified, as B.1.1.529 or the Omicron variant. Omicron is notable for its capacity to spread more rapidly than previous strains of the coronavirus, in some instances it has been found to be 2 to 4 times more transmissible than the other variants of the virus. On December 2, 2021, the first known case of Omicron was reported in San Francisco, California and on that date the Colorado Department of Public Health and Environment (CDPHE) confirmed the first case of the B.1.1.529 found in Colorado. The presence of the Omicron variant in Colorado has increased over three weeks from a negligible factor to more than 90% of all reported COVID-19 cases in Colorado as of December 29, 2021.

Public health officials in the 11th Judicial District have detected a significant increase in cases throughout the district—almost certainly the result of the spread of the Omicron variant. Public health officials indicate that these numbers will continue to increase as the effects of holiday gatherings manifest.

The CDC reports that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or don't have symptoms and that the surges in Omicron are likely to further aggravate the state's healthcare system.

In Colorado, the last four days of reporting have indicated a record number of positive cases. The seven-day average for cases in Colorado is 8,742—a 350% change from two weeks prior. In Fremont County, the seven-day average is 32 cases—a 157% change from two weeks prior. In Chaffee County, the seven day average is 27 cases—a 688% change from two weeks prior. In Park County, the seven-day average is 20 cases—



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a 245% change from two weeks prior. In Custer County, the seven-day average is 1.7 cases a 200% change from two weeks prior.

I have considered current information from the CDC, the CDPHE, and the strong recommendations of local public health officials and have determined that for public health and safety reasons gathering large groups of people together in a closed environment is not safe or advisable. Therefore, I find that a temporary suspension of jury trials is necessary.

Pursuant to the authority provided to Chief Judges by the Chief Justice of the Colorado Supreme Court through Chief Justice Directive 95-01, Authority and Responsibility of Chief Judges, the undersigned hereby suspends all jury trials across the 11th Judicial District through January 28, 2022. The decision to suspend jury trials is not one undertaken lightly. As a result, the undersigned will continue to closely monitor the COVID-19 data for all three counties and reserves the right to rescind, modify, or extend this CJD 22-01 at any time based upon then-existing data, health-related considerations, input from members of the bench and stakeholders, and all other relevant factors impacting jury trials.

Done in Salida, Colorado, January 5, 2022

/s/ Patrick W. Murphy

Chief Judge, 11th J.D.

AMENDED 1/21/22:

Due to the continued spread of the Covid-19 virus, I am extending the jury trial suspension for an additional two weeks. No jury call will take place until February 14, 2022. The underlying data supporting the extension is as follows:

In Colorado, the number of new cases is declining but is still more than double the previous high point in the pandemic. The current seven-day average for cases is 11,252. The prior record, set in December of 2020, was 5,840. The state positivity rate is over 25%.

Locally, Fremont County's case numbers are high and are still rising (86 per seven-day average) and test positivity is at 11%. Chaffee County's numbers are high but declining (35 per seven-day average), test positivity is 32%. Custer County's numbers have yet to decline (3 per seven-day average), test positivity is 14%. Park County's numbers are high (36 per seven-day average) but starting to decline, test positivity is 37%.

I am hopeful that the steep decline in cases seen in areas of the world first hit by the omicron variant manifests in the 11th Judicial District and that trials can resume in mid-February.