

CHIEF JUDGE DIRECTIVE 20-01
REGARDING JUROR POSTPONEMENTS DUE TO COVID-19

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 11th Judicial District Website (https://www.courts.state.co.us/Jury/District/Index.cfm?District_ID=11) 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 her direction and supervision to immediately excuse a juror who: (1) has been diagnosed with COVID-19 ("Novel Coronavirus") 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. 4) has a preexisting or chronic medical condition that would put them at extra risk from COVID-19 5) has recently returned from Italy, China or South Korea 6) is over the age of 70.

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.

Done in Salida, Colorado, March 15, 2020.

BY THE COURT

Patrick W. Murphy
Patrick W. Murphy
Chief Judge, 11th Judicial District