

THIRTEENTH JUDICIAL DISTRICT  
STATE OF COLORADO  
CHIEF JUDGE ADMINISTRATIVE ORDER 11 - 01

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CHIEF JUDGE ORDER DELEGATING AUTHORITY TO JURY COMMISSIONERS  
TO POSTPONE THE SERVICE OF CERTAIN PETIT JURORS.

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WHEREAS, at least two correctional facilities lie within the Thirteenth Judicial District at this time, namely, the Sterling Correctional Facility (SCF), and the Kit Carson Correctional Facility (KCCF); and

WHEREAS, the District is home to a significant number of individuals who are employed by such facilities; and

WHEREAS, local law enforcement agencies also employ a substantial number of employees; and

WHEREAS, there have been numerous occasions in which employees of correctional facilities or other law enforcement agencies have reported to jury duty and have been placed on a panel for criminal cases; and

WHEREAS, §13-71-104(4), C.R.S. (2010) allows the Colorado Supreme Court to “provide by rule for the exclusion in a criminal trial of a juror who is employed by a public law enforcement agency or public defender’s office.” Such a rule has been implemented, namely, Crim.P. Rule 24(b)(1)(XII); and

WHEREAS, §16-10-103(1)(k) directs a court to sustain a challenge to a juror on that basis; and

WHEREAS, Rule 24(b)(1)(XII) also provides that the Court **shall** sustain a challenge to a juror who “is an employee of a public law enforcement agency or public defender’s office”; and

WHEREAS, employees of the Department of Corrections are considered to be employees of a public law enforcement agency for this purpose, pursuant to *People v. Scott*, 41 Colo.App. 66, 583 P.2d 939 (1978); and

WHEREAS, employees of private correctional facilities would be considered employees of a public law enforcement agency for this purpose, under the authority of *People v. Scott, supra*, and §17-1-202(1)(e) (private prison contractor must abide by operational standards for correctional facilities as established by the Executive Director of the Department of Corrections); §17-1-202(1)(g) (private prisons are monitored by the Executive Director); §17-1-205 (Executive Director has authority to terminate private prison contracts); and §17-20-103 (staff of all correctional facilities under the supervision of the Executive Director “shall be conservators of the peace,” with authority to arrest); and

WHEREAS, correctional employees or law enforcement employees who are summoned to jury duty in criminal cases are excused from service in the vast majority of cases; and

WHEREAS, it is inconvenient both to the trial courts and to such jurors for such jurors to attend jury selection proceedings in which the likelihood of the juror being selected is quite small; and

WHEREAS, all trial jurors are entitled to at least one postponement of their jury service, pursuant to §13-71-116; and

WHEREAS, a trial court may also dismiss a trial juror at any time in the best interest of justice, pursuant to §13-71-119(2); and

no such proceedings are pending in either court within the next six months, the juror may be excused from service.

IT IS FURTHER ORDERED THAT, in order to secure a postponement under this Order, a juror must contact the Jury Commissioner in advance of trial, and shall be required to furnish such evidence concerning the juror's identity as may be necessary to satisfy the Jury Commissioner that the juror's employment would subject them to a challenge for cause under Rule 24(b)(1)(XII). The juror will also be required, forthwith, to submit to the Jury Commissioner, under oath, the completed juror questionnaire found in the jury summons. The Jury Commissioner will then be authorized to grant a postponement or excuse in accordance with the terms of this Order. Nothing herein shall prohibit the Jury Commissioner from seeking additional information for the purpose of examining such a juror's request for postponement.

IT IS FURTHER ORDERED THAT, in the event the Defendant in a given case is a compensated employee of a public law enforcement agency, or public defender's office, the Jury Commissioner shall not defer or excuse any juror under Rule 24(b)(1)(XII) without first consulting with the trial judge.

IT IS FURTHER ORDERED THAT, notice of this Administrative Order shall be given to public law enforcement agencies in this District, as well as the local Office of the Colorado State Public Defender. Any agency wishing to enable its employees to seek postponement of jury service in connection with this Order shall furnish a list of its employees to the Jury Commissioners for the courts located in the counties where such employees reside. Such list must be updated each six months.

WHEREAS, a jury commissioner is authorized to grant postponement of jury service upon examination of a juror, or as otherwise authorized by appropriate court order, consistent with Crim.P. Rule 24(a)(1); and

WHEREAS, reasonable methods are available to determine in advance whether a juror is engaged in an occupation that makes it likely that he/she would be excused for cause in a criminal or juvenile delinquency case;

WHEREAS, a juror excused from service in a criminal or delinquency case should be given the opportunity to serve on a jury in which they would not be subject to the disqualification rules applicable to criminal or delinquency trials; and

WHEREAS, the Court believes it would be reasonable to allow certain counties the flexibility to postpone juror service in accordance with this Order for a period of time necessary to determine if this policy should be implemented on a District-wide basis,

NOW THEREFORE,

IT IS HEREBY ORDERED by the Chief Judge that the Jury Commissioners for the Counties of Logan and Phillips are authorized to grant postponement to a juror who is a compensated employee of a public law enforcement agency, as described herein, or an employee of a public defender's office, without further order of the trial judge, *when that juror would be scheduled to be included in the venire of a criminal or juvenile delinquency trial.*

IT IS FURTHER ORDERED THAT such a postponement shall be granted in such a fashion that the juror will be summoned to appear at a proceeding in which Crim.P. Rule 24 does not apply, whether in District Court or County Court. In the event

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IT IS FURTHER ORDERED THAT, this policy shall be implemented for a period beginning July 1, 2011, and continuing until December 31, 2012. Prior to the latter date, the Chief Judge will consult with the Clerks of this District, the District Administrator, and any others deemed suitable, in order to determine whether to continue the policy in Logan and Phillips Counties, modify the policy, implement it District-Wide, or rescind it.

SIGNED THIS 1<sup>st</sup> DAY OF JULY, 2011, effective immediately.



MICHAEL K. SINGER, CHIEF JUDGE  
THIRTEENTH JUDICIAL DISTRICT