



sources including Chief Justice Coats, the Executive Orders issued by Governor Polis, the Public Health Orders issued by the Colorado Department of Public Health and Environment and the guidance and approval provided by the Larimer County Department of Health and Environment. After jury trials resumed, the district continued to confer with officials from LCDHE who supported continuing to conduct jury trials and opined that the procedures adopted to conduct jury trials were working.

The Eighth Judicial District's careful planning and preparation proved effective in assuring the ability to protect the constitutional and statutory rights of those involved in jury trials while concurrently maintaining public health and safety at a time when relevant data associated with each county indicated it was safe to assemble jurors. Citizens in our community responded to their juror summons and provided positive feedback that they felt comfortable and safe and that they appreciated the procedures that had been adopted to protect public health. To date, approximately twenty-five jury trials have taken place safely and successfully in the Eighth Judicial District. Notwithstanding the success the Eighth Judicial District has had thus far, the impact of COVID-19 has become increasingly problematic for continuing to conduct jury trials. There has been a surge in cases occurring nationally, statewide, and within the Eighth Judicial District. The Colorado Department of Public Health and Education (CDPHE) has created a COVID-19 Dial Dashboard, which tracks risk level based on data collected concerning the number of new cases, the percentage of positive tests and the number of hospitalizations. Using the data for each of the three metrics, CDPHE has developed a dial categorizing the risk levels existing in each county. While the Larimer County risk is currently at the third level, labeled "concern," health department officials have indicated that it will soon be moving to the "high risk" level.

There has also been a recent increase in the level of concern expressed by prospective

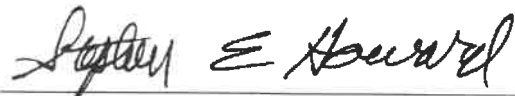
jurors questioning why jury trials are being conducted in this district when other districts have suspended jury trials due to COVID. Providing access to justice for all our citizens is an essential part of the judiciary's duty to the community. Denying access to justice can have an especially harsh impact on historically disadvantaged groups. This District has worked diligently to continue to conduct safe jury trials to provide this access. However, the trust and confidence of the public in the jury trial process is essential to successfully conducting trials.

The holiday season is now beginning which will inevitably involve a substantial increase in travel and social gatherings regardless of the cautions of public health officials. Contact tracing in Larimer County has shown that a large percentage of the virus spread is attributable to private social gatherings. There have been surges in the number of COVID cases in Larimer County following the previous holidays and it is highly probable that there will be increased virus spread associated with families and friends getting together for the upcoming holidays. The health department advised that it would be a good idea to suspend jury trials around the holidays.

The decision to suspend jury trials is not, and should not be, undertaken lightly. The right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado Constitutions. It has been of paramount importance to the judicial officers in this district to conduct jury trials so long as jury pools could safely be assembled consistent with applicable executive orders and health directives. Based upon all public health information available from CDPHE and LCDHE, including the information set forth above, the undersigned, in consultation with the other judges in this district, has determined that it is necessary and appropriate to temporarily suspend jury trials beginning November 23, 2020 because a fair jury pool cannot be safely assembled due to the limitations brought about by the public health crisis.

Pursuant to the authority provided to Chief Judges by the Chief Justice of the Colorado Supreme Court through Chief Justice Directive 95-01, and in compliance with the Updated Order issued by the Chief Justice on July 24, 2020, the undersigned hereby suspends jury trials and the summoning of jurors for jury trials set through January 18, 2021. Although jurors may be summoned for trials beginning January 19, 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 between November 23, 2020 and January 18, 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 20<sup>th</sup> day of November 2020.



Stephen E. Howard  
Chief Judge, Eighth Judicial District