



**CHIEF JUDGE ORDER 2021-02
(SECOND AMENDMENT TO CJO 2020-21)
STATE OF COLORADO
FIRST JUDICIAL DISTRICT**

JURY TRIALS THROUGH FEBRUARY 15, 2021

In prior orders, the court has explained how COVID-19 has impacted court operations, including jury trials. Most recently, the Court suspended all jury trials through January 18, 2021. *See* CJO 2020-21 (Amended) Jury Trials Through January 18, 2021 (Nov. 6, 2020). Because of ongoing safety concerns presented by the pandemic, the Court hereby extends the suspension of all jury trials through February 15, 2021.

On November 17, 2020, due to rapidly increasing levels of COVID-19 in Jefferson County, CDPHE moved Jefferson County to Level Red (Severe Risk) on the COVID-19 Dial. Level Red is just one level below the highest level – Level Purple (Extreme Risk). On December 17, 2020, Jefferson County Public Health (JCPH) extended the existing emergency measures regarding gathering sizes through January 31, 2021. *See* Third Amended Jefferson County Public Health Order 20-009 Limiting Gatherings; Rescinding Order 20-007 (Dec. 17, 2020). Given the recent improvements in the metrics measured by the Dial and at Governor Polis’ request, CDPHE will move all counties (including Jefferson County) in the Red Level to the Orange Level on January 4, 2021. In a press release, Dr. Jill Hunsaker Ryan, the Executive Director of the CDPHE, explained:

The 13-day decline in the number of cases is a strong indication that we are moving in the right direction. Coloradans have been successful in slowing the spread, and we need them to keep following public health protocols – like continuing to only interact with those they live with, especially through the holiday. In general, countries restricted in level red have reduced viral

transmission to a point where we can provide economic relief and move them into level orange, recognizing the fact that economic hardships also cause poorer health outcomes. We plan to work with local public health agencies on the next steps. Counties are always able to set more restrictive orders than the state if they so choose.

On December 31, 2020, CDPHE also approved Jefferson County for the Five-Program which allows businesses to expand operations by implementing safety measures beyond what is already required to help slow the spread of COVID-19. As of the date of this Order, the county has 29,915 total cases, 620 deaths, a two-week cumulative incidence of 400.1 per 100,000 residents, and a two-week average positivity of 5.6%.

On November 20, 2020, CDPHE moved Gilpin County to Level Orange (High Risk) on the COVID-19 Dial. Gilpin County Public Health (GCPH) implemented additional measures to mitigate the spread of COVID-19. *See* Amendment 1 to Gilpin County Public Health Order 20-14 – COVID-19 Dial Level Orange (High Risk) in and for Gilpin County, Colorado (Nov. 20, 2020). Despite recent improvements in the three metrics, Gilpin County remains in Level Orange. As of the date of this Order, the county has 128 total cases, one death, a two-week cumulative incidence of 177 per 100,000 residents, and a two-week average positivity of 3.7%.

Despite these positive developments and the introduction of the vaccine, COVID-19 remains a significant public safety concern for the country, Colorado, and Jefferson and Gilpin Counties. Most other jurisdictions in the state have suspended or are in the process of suspending jury trials into February 2021. The Court remains committed to trying jury trials in a manner which balances a defendant's rights with the obligation to do so in a safe and fair forum. Unfortunately, the Court finds that it cannot safely do so for the next six weeks.

For these reasons and in collaboration with the JCPH and GCPH, the Court concludes that the District cannot safely assemble a jury pool at this time in the pandemic. Therefore, the Court hereby extends the suspension of all jury trials through February 15, 2021. The Court anticipates that jury trials will resume on February 16, 2020 and will be prioritized as they were prior to November 5, 2020. *See* CJO 2020-16 COVID-19 Order Regarding the Resumption of Jury Trials in the First Judicial District (Jul. 21, 2020). As previously explained, the District will continue other operations through remote technology whenever possible. *See, e.g.*, Chief Judge Order 2020-12 COVID-19 Order Regarding the Slow and Incremental Expansion of Court Operations Beginning May 18, 2020 (May 11, 2020). This Order also is premised on the COVID-19 orders previously issued by federal, state, and local authorities.

The Court also recognizes that circumstances have changed rapidly and may continue to do so. Therefore, this order may be amended as necessary.

January 4, 2021



Jeffrey R. Pilkington, Chief Judge
First Judicial District