

GARFIELD COUNTY, COLORADO DISTRICT COURT Court Address: Garfield County Courthouse 109 8 th Street, Suite 104 Glenwood Springs, Colorado 81601 Phone Number: 970-928-3065	
The Honorable John F. Neiley	Δ COURT USE ONLY Δ
<p style="text-align: center;">ORDER REGARDING COVID-19 PROTOCOLS FOR DIVISION F CRIMINAL DOCKETS</p>	

Pursuant to the Supreme Court's Order Regarding COVID-19 and Operation of Colorado State Courts, entered March 16, 2020, by Chief Justice Coates, and the Administrative Order entered March 17, 2020, by Chief Judge Boyd, the court hereby enters the following order regarding the Division F recurring Thursday criminal docket.

1. The docket will start at 8:15 a.m. and will be limited to in-person appearances for **out-of-custody** defendants appearing with counsel or pro se. This will only be for those defendants for whom substantive or “essential” matters will be addressed. Substantive or “essential” matters for **out-of-custody** defendants include matters where the presence of the defendant is constitutionally required such as, entry pleas and/or deferred judgements, entry of not guilty pleas with trial settings, entry of or modifications to protection orders involving the Victim Rights Act, competency advisements, and those matters falling under the Supreme Court’s Order Regarding COVID-19 and Operation of Colorado State Courts, entered March 16, 2020, by Chief Justice Coates.
 - a. Continuances for **out-of-custody** defendants will not be heard in person but must be filed electronically.
 - b. Whenever the parties can agree upon, and jointly waive, a personal appearance, the court will consider allowing a telephone appearance for these matters upon prior notice to the court. Telephone appearances on these matters are encouraged while the COVID-19 restrictions are in effect.

- c. The court expects that these **out-of-custody** matters will be completed by 10:30 a.m.
2. The 10:30 a.m. docket will be for **in-custody** defendants appearing pro se or with counsel and will likewise be limited to substantive or “essential” matters as described above, but will also include necessary advisements for defendants who have not received initial advisements by video, bond-related matters, and pleas.
 - a. Continuances for **in-custody** defendants will not be heard in person but must be filed electronically.
 - b. The court expects that the 10:30 a.m. docket will be completed by noon.
3. The 1:30 p.m. docket will be for **out-of-custody** defendants appearing for sentencings or other matters that constitutionally require the personal appearance of the defendant and other essential matters. Continuances for **out-of-custody** defendants will not be heard in person but must be filed electronically.
4. The 3:00 p.m. docket will be for **in-custody** defendants appearing for sentencings or other matters that constitutionally require the personal appearance of the defendant and other essential matters. Continuances for **in-custody** defendants will not be heard in person but must be filed electronically.
5. Off docket appearances relating to essential matters of constitutional dimension that are not typically handled on the regular docket such as deadline-sensitive preliminary hearings, *Bergerud* hearings, deadline-sensitive probation revocation hearings for in-custody defendants, or any proceedings that are necessary to prevent a substantial risk of imminent financial hardship or imminent risk to the health, safety, or welfare of any individual or the community at large can be set by contacting the court’s Judicial Assistant to obtain a setting date, or alternatively setting the matter on a regular docket day. Whenever the parties can agree upon, and jointly waive, a personal appearance, the court will consider allowing a telephone appearance for these matters upon prior notice to the court.

Telephone appearances on these matters are encouraged while the COVID-19 restrictions are in effect.

6. Court appearances at the regular docket and any off-docket matters for matters as described above will, to the fullest extent possible and subject to constitutional limitations, be handled according to the following protocols:
 - a. Until further notice, the participants at any appearance will be limited solely to the attorneys, the parties, law enforcement personnel, victims, and essential witnesses. No other members of the public will be admitted, consistent with the Chief Justice's Order issued March 16, 2020, Chief Judge Boyd's Administrative Order of March 17, 2020, and Garfield County's restrictions on access to public buildings.
 - b. Interpreter services will be provided, but may be provided by telephone rather than live, and the headset devices will not be used. This will cause interpreter delays in the hearing process. The attorneys should adapt their presentations to account for the interpreter delays.
 - c. All participants and witnesses must maintain a minimum 6-foot separation from each other, including use of the elevators. When a witness has finished his or her testimony, or a participant's presence is no longer required, they must leave the building immediately.
 - d. Any exhibits or other documents must be filed electronically prior to the hearing.
 - e. There will be no bench conferences unless absolutely necessary and only if no other means of argument can be made. No exhibits will be accepted at the bench.
 - f. Attorneys may not leave the lectern or counsel tables during any hearing except to provide copies of exhibits to witnesses.

- g. Each participant should bring sanitary alcohol wipes and alcohol hand lotion to the hearing. Filter masks will not be provided, but the court strongly suggests participants bring their own masks if they are in any high-risk group.
 - h. If any participant is experiencing any flu or cold symptoms, they will not be permitted to enter the courthouse.
 - i. The court will make reasonable accommodations and allow telephone or video appearances for witnesses or other participants rather than live appearances upon motion filed at least 2 days prior to the hearing. Wherever possible telephone or video appearances are encouraged.
7. This order is entered pursuant to The Supreme Court's Order Regarding COVID-19 and Operation of Colorado State Courts, entered March 16, 2020, by Chief Justice Coates and Chief Judge Boyd's Administrative Order entered March 17, 2020.

DATED March 19, 2020.

BY THE COURT:


John F. Neiley
District Court Judge