



EL PASO COUNTY COMBINED COURT, FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

**AMENDED CHIEF JUDGE ORDER 2025-08
RE: TRANSFER OF COUNTY COURT CRIMINAL CASES TO/FROM DISTRICT COURT**

A. Applicability

1. This Chief Judge Order supersedes and replaces Chief Judge Order 2008-02 and amends Chief Judge Order 2025-08.
2. This Order does **not** apply to county court civil cases.
3. This Order does **not** apply to cases in which competency has been raised. See Chief Judge Order 2024-04 for procedures governing competency cases.

B. Transfer of Misdemeanor and Traffic Cases from County Court to District Court

1. **Pre-conviction transfers:** If a defendant has a misdemeanor and/or traffic case in county court and also has a pending pre-conviction felony case in district court, the county court case **shall** transfer to district court if:
 - a. The defendant has not entered a guilty plea in the county court case;
 - b. No guilty verdict has been entered in the county court case; and
 - c. If the defendant previously entered a not-guilty plea in county court, the defendant has withdrawn that plea.
2. **Post-plea/post-conviction transfers:** If the defendant has a misdemeanor and/or traffic case in county court in post-conviction status, the case **may** transfer to district court, but only with the approval of both the affected county and district court judges.

C. When the County Court Transfers a Case to District Court

1. The initiating county court division clerk must enter a minute order documenting the transfer. Neither the district attorney nor the defense may transfer a case themselves. The initiating division must set the county court case for pretrial conference in the appropriate district court division at the same date and time as the defendant's felony case is set.
2. The district court judge should encourage the parties to include the county court case in any felony disposition.

3. The district court shall retain all transferred county court cases until the felony case is resolved by plea, or at any point after a not-guilty plea is entered and before trial begins in the district court case.

D. When the District Court Returns a Case to County Court

1. If the case identifies a previously assigned county court division, the district court clerk may set the case on that division's docket at any time other than its duty week or when the county court division is marked unavailable.
2. If the case does not identify a county court division or was assigned to the FAC at the time of its original transfer, the clerk shall set the pretrial conference in the county court duty division as of the date the case is returned. The district court may not return a county court case to the FAC.
3. If the defendant is in custody, the district court clerk shall return the case to the originally assigned county court division and set a pretrial conference for the following Friday at 8:30 a.m.
4. If the defendant is out of custody, the district court clerk shall set the pretrial conference for the Friday two weeks later at 8:30 a.m.
5. If the defendant entered a not-guilty plea in district court before the case is returned to county court, the district court must set the case in the appropriate county court division within 14 days of the transfer date and email notice to the assigned county court staff. If timely notice is not sent, the district court division will retain the case through trial.
6. If the district court returns a probation case pending revocation and the defendant has requested a revocation hearing, district court staff must set the case on the appropriate county court docket within 14 days and email notice to the county court staff. If the defendant is in custody and has requested a revocation hearing, the district court clerk must contact the county court clerk to obtain a suitable date and time to set the hearing.

E. Bind-Up: Misdemeanor Charges Elevated to Felony Charges

1. If the district attorney elevates a misdemeanor to a felony, the assigned county court division shall keep the case open until the felony case has been assigned a case number and the defendant has been advised. Once the felony case has its own protection order, the county court division shall dismiss the county court charges.

F. Bind-Down: Felony Charges Reduced to Misdemeanor Charges

1. If a case is opened as a felony but only misdemeanor charges are filed, follow Section D, above, for setting instructions for in-custody and out-of-custody defendants.

G. Transfer of Cases Following Judge Retirement or Docket Rotation

1. If a district court judge who previously presided over a case with misdemeanor charges has retired or changed dockets, the case shall be reassigned as follows:
 - a. If the record clearly identifies which district court division inherited the prior judge’s criminal docket, the case shall be reassigned to that division.
 - b. If it is unclear which division inherited the docket, the case shall be reassigned to the current duty division.

This Order supersedes and replaces Chief Judge Order 2008-02 and amends

2025-08. DONE AND SIGNED ON THIS 27th day of April, 2026.



ERIN L. SOKOL
Chief Judge
Fourth Judicial District