

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Colorado Springs, CO 80903 (719) 452-5244	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case Number:</p> <p>Division: 12 Courtroom: S502</p>
People of the State of Colorado v. Defendant:	
CASE MANAGEMENT ORDER FOR CRIMINAL CASES	

SCHEDULING:

- Division 12 has a regular criminal docket each Wednesday. This is how hearings will be set:
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| 8:30 | Appearance of Counsel, First Appearances, Return Filing of Charges, and Appearance on Arrest Warrant or Summons, |
| 9:00 | Dispositions, Arraignments, and Bond Hearings. |
| 10:30 | Sentencing Hearings and Pre-trial Readiness conferences |
| 1:30 | Preliminary Hearings, Motions Hearings, Revocation Hearings, and Restitution Hearings |
- Note: Any attorney wishing to add a case to the docket must contact opposing counsel to clear a date before contacting the division.
- All criminal jury trials are scheduled to begin on Monday morning at 8:30 am. All motions, including motions in limine, must be heard at the motions hearing unless otherwise Ordered.
 - Trial shall be set for and are expected to be completed in a regular (4 day) trial week unless counsel requests a longer trial setting when the trial date is set.
 - Motions/Omnibus hearings will be scheduled approximately 30-45 days before trial.
 - ***Brief*** motions in limine, regarding issues unknown to the attorney at motion hearing or pre-trial readiness, the morning of trial or at the pre-trial readiness hearing.

DISCOVERY:

- Unless otherwise Ordered, all discovery must be completed no later than **35** days before trial.

District Attorney:

- must comply with C.R.Crim.P Rule 16;
- must provide to the defendant and file with the Court a good faith list of witnesses, including addresses and telephone numbers, no later than **35** days before trial;
- late endorsements will only be considered upon proper motion, notice, and hearing;
- must give notice to the defendant of any C.R.E. 404(b) evidence and provide discovery related thereto;
- must provide to the defendant a list of any prior felony conviction, any juvenile convictions, and misdemeanor convictions directly related to credibility, of the defendant and any witnesses which are known to the District Attorney;
- must provide to the defendant all witness statements obtained by the District Attorney's office during trial preparation which are materially different from any statements previously made; and

- must provide written notice to the defendant of any benefit given to a civilian witness in exchange for his or her testimony.

Defendant:

- must comply with C.R.Crim.P Rule 16;
- must provide to the District Attorney and file with the Court the defendant's theory of defense, good faith list of witnesses, including addresses and telephone numbers, designation of affirmative defenses, and notice of alibi no later than **35** days before trial;
- late endorsements will only be considered upon proper motion, notice, and hearing; and
- must give notice to the District Attorney of any C.R.E. 404(a)(2) evidence and provide related discovery.

MOTIONS:

- All substantive motions shall be filed no later than **45** days after arraignment. If a motions hearing has not been set, the moving party shall set the matter for hearing no later than **30** days before trial.
- The Court will not separately review evidence such as body worn camera footage, 911 calls, any audio/visual evidence. Counsel shall be prepared to present that evidence during the motion. Thus, it is anticipated that only the relevant portions of the evidence will be presented. If counsel intends to introduce any evidence that is longer than 45 minutes, they must make the request known to the Court at the time of scheduling to ensure there is enough time on the docket to accommodate the hearing.

MOTIONS CONCERNING BOND:

- Motions to reduce bond will be heard only after proper notice has been provided to the District Attorney. Reasonable notice of application for modification of a bond by the District Attorney shall be given to the Defendant, except as provided in Section 16-4-109 (4), C.R.S.
- The Court will not consider a motion to quash a bench warrant or a request to stay execution of a bench warrant for a defendant who is at liberty on a surety bond without written consent of the surety filed with the Court. Likewise, no motions to reinstate a surety bond will be considered without written consent of the surety.

PLEA HEARINGS:

- All plea agreements (to include deferred sentencing agreements) shall be tendered to the Court in writing and include the written rights advisement, all terms of the agreement, and shall include all relevant elements and definitions for the charge to which the Defendant is pleading guilty per the plea agreement. Should there be an amendment to a charge for purposes of the plea agreement, a written amended complaint and information shall be filed with the Court before or contemporaneously with the plea agreement. All plea paperwork is to be one sided. When possible, unsigned copies of such pleas shall be provided to the Court via E-filing at least two days before the disposition date.
- The written plea agreement and advisement of the Defendant by defense counsel shall be completed prior to the beginning of docket. Counsel should not be going over plea paperwork during docket; this includes, for the most part, all in custody defendants as well.
- At sentencing, Defense counsel shall advise the Court as to the amount of pre-sentence confinement credit, residential credit, non-residential credit, and any earned time to which the Defendant is entitled.
- All counsel shall be prepared and ready to call all cases scheduled on the docket as they are scheduled.
- If a Defendant wishes to remain on a surety bond subsequent to a plea of guilty, written consent by the surety for the defendant to remain on the bond must be filed with the Court at or before the time the plea is entered. If a felony plea of guilty is entered and written consent is not tendered to the Court, the defendant will be remanded into custody pending sentencing.
- All plea agreements must be entered by the defendant and accepted by the Court no later than the last docket day scheduled before trial. **ABSENT EXTRAORDINARY CIRCUMSTANCES, the Court will not accept plea agreements on the day of trial.**

EXPERTS:

- Any witness who may be called by any party and qualified as an expert shall be identified as an expert in the above disclosures. This includes law enforcement who may be qualified as an expert. All statements and/or reports of the expert shall be disclosed to opposing counsel no later than **35** days before trial. If the expert has not prepared a written report, counsel shall provide a summary of the witness' expected testimony. Expert testimony shall be limited to their statements, reports, or summary and the reasonable inferences which may be drawn there from.

JURY TRIALS:

- All criminal cases set for jury trial will be called at 8:30 a.m. on Monday, Tuesday, Thursday, and Friday. Trial does not typically get called on Wednesdays due to the Court's weekly criminal docket. The business day will end strictly at 5:00 p.m. each day because Court Care requires jurors to pick up children at that time. Similarly, lunch breaks will be no later than 12:00 p.m. for the same reason if any of the jurors have a child in Court Care.
- Prior to the trial counsel are required to meet and exchange exhibits and updated witness lists and develop an agreed upon statement of the case. All of the People's proposed jury instructions, including case specific instructions, the joint list of witnesses, exhibits, and supplemental jury questionnaires shall be delivered to the Division and a copy provided to opposing counsel by no later than 12:00 p.m. on the Friday prior to trial. Such documents shall be emailed to the division (D04_Courts_Div12@judicial.state.co.us) and e-filed. Counsel are ordered to confer about redactions to audio/video exhibits prior to trial so as to minimize delays due to the editing process. Theory of the defense instructions shall be provided to the prosecution no later than the close of the People's case in chief.
- Substantive motions in limine must be filed in writing on the date of the pre-trial readiness conference. Any responses to be considered by the Court must be filed no later than 12:00 p.m. on the Friday prior to trial. Such documents shall be emailed to the division (D04_Courts_Div12@judicial.state.co.us) and e-filed.
- The Court alternates its criminal weeks with its domestic weeks. The parties must advise the Court at the time of arraignment if they believe the case has the possibility of going more than two weeks.

SEQUESTRATION:

- Pursuant to C.R.E. 615, an Order of Sequestration of Witnesses is in effect for all cases tried in Division 12. Counsel shall advise their witnesses of the sequestration order.

JURY SELECTION, OPENING AND CLOSING:

- Unless modified by the Court upon application of counsel at least **7** days before trial, the following procedures will apply:
- The modified civil jury selection method will be used. The seating chart will be completed by the Court Judicial Assistant and distributed to both sides. The Court will generally not allow mini-openings. If requested and granted, the mini-opening shall not to exceed two minutes, and will occur before voir dire begins. The mini-opening statement must be non-argumentative. The Court will *sua sponte* stop counsel who engage in argument during the mini-opening statement.
- Questions to the jury panel shall be focused on bias, hardship, media exposure, and legal impairments to jury service. Promises from jurors will not be solicited, nor is inquiry allowed about a juror's likely prospective verdict. Inquiry into political affiliations are not permitted without express permission from the court.
- Unless additional time is granted at the pretrial readiness conference, each side should presume the following time periods will be allowed to conduct voir dire of the entire jury panel:
 1. F-1 & Sex Assaults subject to lifetime indeterminate sentences: 60 minutes
 2. F-2, F-3, F-4 COV 45 minutes
 3. F-2, F-3 F-4 non COV 35 minutes
 4. F-5, F-6 30 minutes

- If a supplemental questionnaire is requested, it shall be submitted to the Court and opposing counsel prior to pre-trial readiness.
- Unless otherwise addressed at pre-trial readiness, each side will have **20** minutes for opening and **30** minutes for closing.
- The purpose of voir dire examination is to determine whether any potential juror has opinions or beliefs that would cause them to be biased in such a manner that would interfere with a party's right to receive a fair and impartial trial. The purpose of voir dire is **NOT** to instruct prospective jurors on the law, but to determine whether they could conscientiously apply the law as given by the Court in its instructions. *People v. Harlan* 8P.3d 448 (Colo. 2000). Because of the inherent confusion which occurs when attorneys attempt to debate the law with jurors, the Court therefore Orders that voir dire examination be limited as follows:
 - The Court will read to the jury pool jury instructions regarding presumption of innocence, burden of proof, right to remain silent, evidence and credibility of witnesses. Upon request, the Court may read additional instructions, including elemental instructions. Follow up questioning by counsel shall be limited to determining whether the jurors in fact understand the law as given by the Court and can apply that law to the facts as they find them.
 - Hypothetical questions concerning potential evidence in the case should be avoided.

JURY QUESTIONS:

- Jurors will be allowed to ask questions. The jury will be instructed concerning asking questions. The Court will consult with counsel about any juror question that may be objectionable. Jurors will be provided written forms for questions in juror notebooks.

MISCELLANEOUS:

- **ABSENT EXTRAORDINARY CIRCUMSTANCES, the Court will not accept joint motions to continue or grant continuances at the request of either party on the day of trial.** Any motion seeking a continuance must be addressed no later than the readiness hearing or criminal docket before trial.
- On the morning of trial, if multiple cases remain set for trial, after consultation with counsel the Court will select the case which will be tried. Counsel shall be prepared to try all cases which remain on the trial docket. Witnesses shall not be released without the express permission of the Court.
- The trial day generally begins at 8:30 a.m. and ends at 5:00 p.m., with a morning and afternoon recess of 15 minutes each and a lunch recess of either an hour or an hour and a half. Counsel shall schedule witnesses to ensure an orderly and timely presentation of evidence. Issues to be discussed with the Court outside the presence of the jury shall be handled outside of the normal trial hours so as to not keep the jurors waiting.
- Failure to comply with this Order may result in the imposition of sanctions, including evidence and witness preclusion. Continuances caused by failure to comply with this Order will be charged to the offending party.

SO ORDERED 26 JANUARY 2024.

BY THE COURT:



Laura Norris Findorff
District Court Judge