



**TWENTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2024-08
COMPETENCY COURT DOCKET**

The judges of this district have agreed that a Competency Court Docket may assist in streamlining the process in competency cases, identifying the needs of both the defendant and the criminal justice system, and facilitating the most just and fair course in a reasonable amount of time. Consistent with that consensus, I order the following:


1. The Competency Court Docket will be handled by the judicial officer assigned to Division 14 (hereinafter the “Competency Court Judge”).
2. All currently pending cases in which a finding has been made that the defendant is incompetent to proceed that are eligible for the Competency Court Docket may be transferred to Division 14. The judicial officer assigned to the originating division (hereinafter the “Originating Judge”) shall remain assigned as an alternate judicial officer in all Competency Court Docket cases.
3. The following matters are eligible for transfer to the Competency Court Docket:
 - a. Any felony case involving, as a maximum charge, a class three felony, a class two drug felony, or any lesser felony offense that does not include a crime of violence or a sex offense involving a person who is defined as a victim pursuant to the Victim Rights Act (C.R.S. 24-4.1-302).
 - b. Any other cases upon recommendation of the Originating Judge, and acceptance by the Competency Court Judge. A party in a case may submit a motion to the Originating Judge seeking a recommendation for transfer of a case to the Competency Docket.
 - c. Cases that are post-disposition or post-sentencing will be considered for the Competency Court Docket using the same criteria set forth above.
 - d. Regardless of eligibility criteria, if a party objects to the case being transferred to the Competency Court Docket, the case shall not be eligible for transfer. Furthermore, if a party objects to a case being on the Competency Court Docket after the case has already been transferred, it shall immediately be transferred back to the Originating Judge for further proceedings.

4. The issue of competency shall continue to be first addressed in the originating division. When competency is raised, the following procedures shall be followed:
 - a. Upon finding that a defendant is incompetent to proceed, the Originating Judge may refer an eligible case to the Competency Court Judge. It is recommended that the Originating Judge should, however, maintain a bond return date on their own docket to inform the parties whether the case was accepted to the Competency Court Docket and, if so, when the case will return.
 - b. Upon referral of a case, the Competency Court Judge will determine if the case will be accepted to the Competency Court Docket. If the case is not accepted, the Competency Court Judge may provide an explanation regarding why the case was not accepted and the case will remain with the originating division. If the case is accepted, the Competency Court Judge will designate the Competency Court Docket Date for the case.
 - c. Upon acceptance to the Competency Court Docket, the case will be transferred to Division 14.
 - d. At their full discretion, the Competency Court Judge may order the transfer of a case back to the originating division.
 - e. Unless otherwise completed by the originating division, the Competency Court Judge may appoint a Bridges Liaison to all Competency Docket cases and should ensure that appropriate orders for restoration services have been issued.
5. Once a case has been transferred to the Competency Court Docket, the Competency Court Judge will determine all competency related matters, including the modification of bond and determining whether a defendant has been restored to competency.
6. All non-competency related litigation in a case, including but not limited to preliminary hearings, motions to suppress evidence, and trials shall be decided only in the originating division. Unless otherwise ordered by the Originating Judge, such non-competency related substantive litigation shall be stayed until, and only considered when, the case is returned from the Competency Court Docket to the originating division.
7. Competency Court Docket cases will be reviewed on a regular Competency Court Docket Date, as established by the Competency Court Judge. The first Competency Court Docket Date will be held in Courtroom 4, from 10:00 a.m. to 12:00 p.m., on November 21, 2024. Given that Division 14 does not currently have an available courtroom to which it can be assigned, the Competency Docket will be held in an

available courtroom as determined by the Competency Court Judge in consultation with the judge who is otherwise assigned to the available courtroom. Depending on courtroom availability, it may be necessary to relocate or reschedule matters pending in other divisions.

8. Stakeholders should meet to staff upcoming cases on the Competency Court Docket prior to each Competency Court Docket Date. The Competency Court Judge will not be present at staffing meetings. Stakeholders should confer and exchange information in preparation of staffing cases pursuant to procedures established amongst themselves in consultation with the Competency Court Judge. Stakeholders should also determine internally who may be present for the staffing of each case. The first staffing meeting will be held in the First Appearance Center, from 1:30 p.m. to 3:30 p.m., on November 20, 2024. Stakeholders may determine the date and time of all future staffing meetings. Stakeholders should work with the Competency Court Judge and/or Competency Court Coordinator to ensure facilities are reserved for all future staffing meetings.
9. Unless otherwise ordered by the Competency Court Judge or precluded by speedy trial considerations, cases in which a defendant has been restored to competency may remain on the Competency Docket for up to 63 days for potential disposition. Otherwise, cases shall be returned to the originating division for further proceedings as needed.
10. If the Competency Court Judge enters final disposition in a case, the case shall be reassigned to the originating division prior to administratively closing the case.
11. Any post-conviction matters (i.e., revocation of probation, imposition of suspended sentences, etc.) should be addressed in the originating division unless the Originating Judge deems it appropriate to refer an eligible case to the Competency Court Judge to determine if the case will be accepted to the Competency Court Docket.

Done this 30th day of October 2024.


BRIAN J. FLYNN
Chief Judge of the 21st Judicial District