

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

CHIEF JUDGE ORDER 2025-08

RE: TRANSFER OF COUNTY COURT CRIMINAL CASES TO DISTRICT COURT

- A. This Chief Judge Order 2025-08 supersedes and replaces Chief Judge Order 2008-02.
 - 1. This Chief Judge Order 2025-08 does NOT apply to County Court civil cases.
 - This Chief Judge Order 2025-08 does NOT apply to cases where competency has been raised. See Chief Judge Order 2024-04 for additional instructions.

B. Misdemeanor Cases and Traffic Cases

- All County Court misdemeanor cases and traffic cases where the defendant has an open and pending pre-plea or pre-verdict felony case in District Court SHALL be transferred to the District Court if the following circumstances exist:
 - a. The defendant has NOT entered a guilty plea in the County Court case;
 and
 - The defendant has NOT had a guilty verdict entered in the County Court case; and
 - c. If a NOT GUILTY plea has entered in the County Court case, so long as the defendant withdraws such not guilty plea so that no plea has entered in the County Court case.
- Any post-disposition County Court misdemeanor case or County Court traffic case, <u>MAY</u>, if requested for disposition purposes, be transferred to District Court with approval of both County and District Court Judges.

C. If a County Court case has been transferred to District Court

 The District Court shall NOT consider a County Court case transferred to District Court until the County Court division has entered a minute order transferring such case to District Court. Neither the district attorney, defense

- counsel, nor pro se defendant may transfer the case.
- At the time of the transfer of a County Court case to District Court, the
 County Court should set the County Court case(s) for pretrial conference in
 the applicable District Court Division for the scheduled date and time of the
 felony charges.
- 3. The District Court Judge should encourage the district attorney and defense counsel (or pro se defendant) to include the County Court case as part of the disposition of the felony case.
- 4. The District Court's clerk shall ensure that all County Court cases have minute orders entered in the County Court case concerning the actions and events occurring in District Court. Such notations shall be made for each District Court appearance.
- 5. The District Court shall keep all transferred County Court cases until the District Court case is resolved by plea, or any point up to the start of trial in the District Court case, absent compelling reasons to return the County Court case prior to such time.
- 6. If County Court case(s)—regardless of charges—is returned from District Court, all settings are subject to confirming that the County Court Division is not marked as unavailable on the Schedule Notice or setting would be during their respective Duty Week. If the case does not specify a County Court Division or was assigned to the First Appearance Center (FAC) at the time of original transfer, schedule the pretrial conference in the County Court Division designated as the current Duty Division as of the current transfer date.
 - a. If the defendant is in custody, it should be sent back to the originally assigned County Court Division for a pretrial conference the following Friday at 8:30 a.m.
 - b. If the defendant is out of custody, the pretrial conference should be scheduled two weeks later Friday at 8:30 a.m.
 - c. No County Court case(s) should be returned to the First Appearance Center (FAC).
 - d. If case(s) being returned to County Court has a not guilty plea entered at the appearance before a District Court Judge, the District Court is

- responsible for setting a County Court date within 14 days and emailing notice to the assigned County Court Division. If that notice isn't sent, the District Court Division will retain and manage the case(s) including jury trial.
- e. If case(s) pending revocation is returned to County Court and there has been a request by defendant for a revocation hearing, the District Court is responsible for setting a County Court date within 14 days and emailing notice to the assigned County Court Division.
 - If the defendant is in custody and a hearing date is needed, the District Court should contact the respective County Court Division for a date.
- 7. In County Court cases in District Court where the defendant fails to appear a bench warrant shall be issued and any existing bond is forfeited.
- D. Bind-Up: County Court Charges Elevated to Felony Charges
 - a. If the district attorney increases a county court charge to a felony, the assigned County Court Division will 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 in place, the County Court Division will dismiss the charges in County Court case.
- E. Bind-Down: Felony Charges Downgraded to Misdemeanor Charges
 - a. If a case is initially opened as a felony (CR) but the district attorney files only misdemeanor charges:
 - If the defendant is in custody, the District Court will transfer the case to County Court. A pretrial conference should be scheduled in the County Court Division designated as the current Duty Division at the time of the transfer.
 - ii. If the defendant is out of custody, see section C for instructions.
- F. Cases Impacted by Retirement or Docket Rotation
 - a. If a County Court case, or a CR case containing only County Court charges, was sentenced or re-sentenced by a District Court Judge who has since retired or no longer presides over a criminal docket:

- If there is a clear record identifying which District Court Division inherited that Judge's criminal docket, the case shall be reassigned to and managed by that District Court Division.
- ii. If it is unclear which District Court Division inherited the Judge's criminal docket, the case shall be reassigned to and managed by the current Duty Week County Court Division.

This Order supersedes Chief Judge Order 2008-02.

DONE AND SIGNED ON THIS 17th day of November, 2025.

ERIN L. SOKOL

Chief Judge

Fourth Judicial District