

County Court, El Paso County, Colorado Court Address: 270 South Tejon Colorado Springs, CO 80903 (719) 452-5358	
The People of the State of Colorado vs. ALL DEFENDANTS Defendant,	
	Δ COURT USE ONLY Δ
	Case Number: ALL CR, M, AND T CASES Division: 9 Courtroom: S305
CASE MANAGEMENT ORDER- CRIMINAL	

1. This Order governs all CR, M, and T cases pending in Division 9.

Scheduling

2. Division 9 holds docket on Mondays. As a general rule, the docket schedule is as follows:

8:30- Appearances of Counsel, Filing of Charges, Appearances on Bond and Arrest Warrants, Probation Advisements, Probation Dispositions and Reviews
9:00- Pretrial Readiness Conferences
9:30- Disposition, Pleas, Arraignments
1:30- Sentencings, Motions Hearings, Preliminary Hearings and Probation Revocation Hearings

3. The Parties will generally be expected to enter a plea no later than their third appearance in the Division. Requests for additional dates will be granted only for good cause shown.
4. On the date set for a contested Hearing (Motions, Preliminary or Revocation) the Parties shall be prepared to go forward unless they have filed a timely Motion to Continue establishing good cause for the continuance.

Motions

5. Any request for a modification of bond shall be in writing with reasonable Notice to the opposing party. See C.R.S. §§16-4-107(1) and 109(1), (2) and Crim. P. 47(b).
6. All motions shall be written to advise the Court of the specific relief sought and the specific factual basis for the issue presented to the Court for determination. See Crim. P. 47. “Boiler plate” motions are strongly discouraged, and each motion shall include the applicable law as applied to the specific facts of the case at issue. With the exception of newly released appellate opinions, the Parties are dissuaded from citing legal authority for the first time at the Hearing. Copies of newly released case law upon which counsel intends to rely should be provided to opposing counsel and the Court prior to the commencement of the Hearing.
7. Unless otherwise Ordered, all substantive Motions shall be filed no later than 28 days following arraignment. See Crim. P. 12(b)(3) and 45(b)(1). To the extent a Party wishes to respond to a Motion, they must do so within fourteen(14) days and include legal authority, and any reply will be due no later than seven(7) days thereafter. A Motions Hearing will be scheduled at Arraignment. If a Motion is expected to take longer than the time allotted for the Motions Hearing, it is the moving Party’s obligation to contact Court Staff via e-mail within seven(7) days following the filing of the Motion at: D04_Courts_Div9@judicial.state.co.us to request to schedule an additional Hearing date. **Opposing counsel must be included on all correspondence to the court using their direct e-mail address(es).**
8. The Court considers the Motions Hearing to be a summons/bond return date. Absent a specific Order from the Court to the contrary, the Defendant is required to appear at all Motions Hearings scheduled in this Matter. Failure of the Defendant to appear may result in his or her presence being waived, and an arrest warrant being issued. See *People v. Martinez*, 166 P.3d 223 (Colo. App. 2007).
9. Motions *in Limine* and Motions for Substantive Amendments to Charges pursuant to Crim. P. 7(e) shall be in writing and shall be filed no later than seven (7) days prior to the Pretrial Readiness Conference at which time they will be heard by the Court. See Crim. P.47(b). Late filed Motion *in Limine* or Motions to Amend will be addressed only with good cause shown.

Plea and/or Sentencing

10. The Court requires plea paperwork for all plea agreements. It is appreciated when Counsel submits plea paperwork for the Court’s review prior to the date and time scheduled for the entry of a plea of guilty. Defense Counsel must be ready at the time of sentencing with a calculation of any pre-sentence confinement credit that may be awarded. See C.R.S. §18-1.3-405. The District Attorney *shall* be prepared with the restitution amount being requested or establish good cause for an extension of time. See *People v. Brassill*, 549 P.3d 242 (Colo. 2024).

11. Where a defendant is at liberty on bond and, following a plea or jury verdict, a sentencing hearing is to be scheduled for a later date, a written consent of surety in which the bondsperson agrees to remain on bond following conviction **MUST** be filed prior to the return of the jury verdict or entry of the plea. If the Defendant is at liberty on a surety bond and the Court is not in possession of the consent of surety at the time the plea is entered or the jury returns a verdict and the Defendant is convicted, or a statutory provision requires revocation of the bond, the Defendant will be immediately remanded into custody. The consent of surety must include the Power of Attorney Number. See C.R.S. §16-4-201(1)(c).
12. The Court is acutely aware of the impact a jury trial has on the members of our court staff and community. Potential jurors, witnesses, the alleged victim, and community members have adjusted their schedules to be a part of this Constitutionally mandated process. In addition, the attorneys for both sides have spent weeks and months preparing, negotiating, researching, litigating, and investigating in preparation for trial. ***Therefore, absent extraordinary circumstances, the Court does not accept plea agreements after the scheduled Pretrial Readiness Conference.***

Exhibits, Witnesses and Instructions

13. All proposed jury instructions from the Prosecution and Defense including case specific instructions, affirmative defense instructions, and verdict forms (with the exception of a "Theory of Defense" Instruction), the joint list of witnesses, exhibits (subject to the Supreme Court's holding in *People v. Kilgore*, 455 P.3d 746 (Colo. 2020) and an agreed upon statement of the case must be delivered to opposing Counsel and to the Court no later than the Friday prior to the commencement of trial. Any proposed Instructions that deviate from COLJI shall be accompanied by supporting authority in the form of either statutory or case citation. **THE COURT REQUIRES PROPOSED JURY INSTRUCTIONS BE E-FILED IN AN EDITABLE FORMAT.**
14. All exhibits must be marked prior to the start of trial subject to *People v. Kilgore*, *Id.* The Prosecution shall mark their Exhibits using numbers, and the Defense shall use letters. Pursuant to Chief Judge's Order 2016-02 Paragraph (II)(D), all photographs, audio, and video exhibits should be placed on a CD and deposited with the Court Judicial Assistant following trial for appellate purposes. All documentary Exhibits shall be marked and uploaded into the Court Filing System as a single submission (to the extent possible) with the filing Party's designation.

Sequestration

15. Pursuant to C.R.E. 615, and subject to Colo. Const. Article II, Sec 16a and C.R.S. §24-4.1-302.5, sequestration of witnesses is ordered for all testimony at *any* hearing or trial in this case. Potential witnesses shall not be present in the courtroom for the testimony of other witnesses, nor discuss their testimony with any potential witness. All Counsel, or the Defendant if *pro se* shall advise their respective witnesses of the sequestration order. Any violation of this Order will result in the exclusion of the

witness testimony. The Parties may elect to designate a single advisory witness (e.g. Defense Investigator and Lead Detective). However, the Parties are to provide the Court with Notice as soon as possible following Filing of Charges of their intent to designate an advisory witness.

Discovery

16. **Motions requesting discovery required by that rule are NOT to be filed. See Crim. P Rule 16(V)(a). Any Motion filed contrary to this Order will be summarily DENIED.** Unless otherwise agreed upon by the Parties and approved by the Court, discovery shall be strictly controlled by Crim. P 16. Pursuant to Chief Judge Directive 2006-1, the Prosecution is ordered to provide the NCIC and CCIC information available on all of its lay witnesses. The Court expects the Prosecution to provide discovery not only of the information in its possession, but also of any information relevant to the case in possession of the various investigative personnel and law enforcement agencies, pursuant to Crim. P. Rule 16(I)(b)(4).
17. The Court finds that the interests of justice would be served by ordering disclosure no later than thirty-five (35) days prior to trial of:
- a. the matters enumerated in Crim.P. 16(I)(d)(3) and (II)(b)(2) regarding experts so that Counsel will have meaningful information to conduct effective cross-examination. If no report is made by the expert then a written summary describing the expert's opinions and reasons therefore must be disclosed. The matters to be disclosed include any learned treatises or studies relied upon by the expert regarding any subject at issue in the trial;
 - b. good faith list of witnesses; theory of defense; any affirmative defense(s) and alibi pursuant to Crim. P. 16(II)(c) and (d);
 - c. the Prosecution must provide written notice to Defendant of any benefit or promises given to a civilian witness in exchange for their testimony;
 - d. The Prosecution must provide the Defense, and file with the Court a written notice of any C.R.E. 404(b) materials that the Prosecution intends to introduce including any underlying police or investigative reports. Counsel are required to admonish their witnesses personally to refrain from mentioning any conduct covered by C.R.E. 404(b) that has not been specifically ruled admissible by the Court.

Voir Dire, Opening and Closings

18. Potential jurors shall be questioned using the "modified civil" method by which all panel members are to be questioned regardless of where they are seated. If an alternate juror is required, the last juror(s) seated shall be designated the alternate(s). See Crim. P. 24(e), *People v. Tippett*, 733 P.2d 1183 (Colo. 1987).
19. Questions to the jury panel shall be focused on bias, fairness, impartiality, and legal impairments to service. Hypothetical questions, questions concerning potential evidence, or questions related to a Party's case theory are disallowed. Counsel shall not attempt to instruct jurors on the law, to include the burden of proof or

affirmative defenses, nor shall counsel attempt to solicit promises from the jurors. See *People v. Maestas*, 701 P.2d 109 (Colo. App. 1985). Counsel are prohibited from mentioning or alluding to any *potential* sentence in this matter or the classification of the crime(s) charged.

20. To the extent a potential juror expresses a hardship, the Court will consider that issue at the conclusion of the general *voir dire* process and Counsel will refrain from offering to excuse the juror due to hardship. Peremptory challenges are to be exercised pursuant to Crim.P. 24(d)(4) and shall be made orally with regard only to the presumptive jury. Any challenge made pursuant to Crim. P 24(d)(5), *Batson v. Kentucky*, 476 U.S. 79(1986), or its progeny shall be made immediately upon the announcement of a questionable strike. Generally, challenges for cause will be made at sidebar outside of earshot of the jurors following both Parties' opportunity for *voir dire*.

21. Unless otherwise Ordered at the Pretrial Readiness Conference, the Parties will have the following allotted time for *voir dire* per side:

F-1	60 minutes
F-2, F-3, DF1, DF2, DF3 and Sex Assaults	45 minutes
All other Felonies	30 minutes

22. Unless otherwise Ordered at the Pretrial Readiness Conference, each side is allotted twenty(20) minutes for opening statements. The Court will determine the appropriate amount of time allotted for closing argument after consultation with the Parties during the final Jury Instruction Conference. The balance of the Prosecution's time not used during their initial closing argument shall automatically be reserved for rebuttal.

General Provisions

23. In most cases, jurors will be allowed to ask questions subject to the Rules of Evidence and the Colorado Revised Statutes. 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. Any objections to permitting juror questions must be made in writing consistent with Paragraph 9 *supra*.

24. In-custody defendants shall be dressed appropriately for trial. See *Estell v. Williams*, 426 U.S. 954 (1976). It is the responsibility of defense counsel to ensure trial clothes for their client are delivered to Criminal Justice Center in advance of the trial date consistent with the El Paso County Sheriff's Office's policies and procedures.

25. Counsel should notify their staff and associates that when entering and exiting the Courtroom during jury trial, to do so as quietly and unobtrusively as possible. Entry

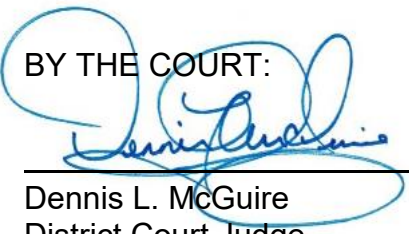
and exit from the Courtroom during opening, the reading of jury instructions and closing is strongly discouraged.

26. The Court expects that when a party announces, "ready for trial," they are in fact ready for trial. Meaning, of course, they have completed their investigation, spoken to, endorsed, and properly served subpoenas on all witnesses, and all discovery disputes have been resolved. Gamesmanship will not be tolerated, and the Court will not allow for continuances when a witness appears unexpectedly or fails to appear without having been properly served a subpoena. Such gambits are inconsistent with counsel's obligations of candor.

27. The Court recognizes the adversarial nature of these proceedings as well as Counsels' obligations to zealously advocate for their respective positions. However, the Parties are to behave civilly and treat the Court, the participants and each other with respect at all times during the proceedings. Rudeness, *ad hominem* comments, or general disrespect by any participant will not be tolerated.

IT IS THUS ORDERED, 13 November 2025.

BY THE COURT:



Dennis L. McGuire
District Court Judge