
ADMINISTRATIVE ORDER 2010-07 - APPOINTMENT OF AN ACTING DISTRICT ATTORNEY FOR THE 7TH JUDICIAL DISTRICT AS PER 20-1-108, C.R.S.

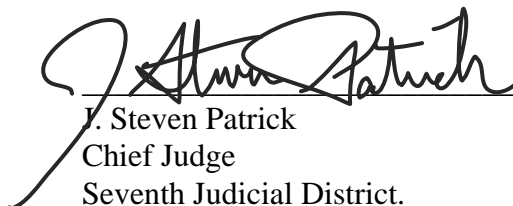
RECITALS

- A. On September 30, 2010, Myrl Serra, the elected District Attorney for the Seventh Judicial District, was arrested for alleged criminal conduct, and
- B. A condition of bond and a restraining order in those proceedings restrains Mr. Serra from the Offices of the District Attorney, and
- C. On September 30, 2010, Acting Governor Barbara O'Brien appointed the Attorney General to prosecute all criminal actions and proceedings in the Seventh Judicial District, and
- D. On November 3, 2010, criminal charges were filed against Myrl Serra which charges remain unresolved as of the date of this order, and
- E. The Assistant District Attorney for the Seventh Judicial District, Jerry J. Montgomery, will be leaving the office in January of 2011 to assume a judicial position in the Montrose County Court, and
- F. The Attorney General's Appointment does not include authority to hire staff, and
- G. The office of the District Attorney requires leadership in the management of the office and the hiring of additional staff which should be managed locally, by agreement of the Attorney General, the Governor and the Chief Judge; and
- H. The Court has further conferred with three prior District Attorneys for the Seventh Judicial District, the judges in the District, some of the attorneys presently in the office of the District Attorney, the County Attorneys and Managers, a representative of the law enforcement agency heads as well as a number of private attorneys in the District.

ORDER

Now therefore, the Court acts to appoint a person to discharge the duties of the office of District Attorney of the Seventh Judicial District under section 20-1-108, C.R.S., as Myrl Serra is absent from office. The court appoints Dan W. Hotsenpiller to act as District Attorney until further order of this Court. The Court finds that he is well qualified, has previously served in the office both as a Deputy District Attorney and Assistant District Attorney, and has served as an Assistant U.S. Attorney. The Court has considered appointment from within the office, but this would only compound the existing shortage of attorneys to try cases in the eleven courts in the District. This appointment shall be effective upon taking the oath of office on January 10, 2011. The Court understands that the Governor shall withdraw the executive order declaring the office vacant as of the date and time of the taking of the oath resulting from this appointment.

Done at Gunnison, Colorado this 16th day of December, 2010.



J. Steven Patrick
Chief Judge
Seventh Judicial District.