

4th JUDICIAL DISTRICT

CHIEF JUDGE ORDER NO. 2013-3

ORDER CONCERNING C.R.S. §16-4-101(1)(b), NO BOND HOLDS

This Order concerns the process to be used in this judicial district for determining whether an accused should be held without bond under C.R.S. §16-4-101(1)(b). This subdivision has language that is subject to more than one interpretation as to how a no bond hold and the related evidentiary hearing are to be commenced. Representatives of the District Attorney, the Public Defender, Law Enforcement, and the Fourth Judicial District met to evaluate the statutory language. The parties reached an agreement on the process to be followed under C.R.S. §16-4-101(1)(b). This Chief Judge Order implements that agreed upon process.

A defendant that potentially falls within the categories stated in C.R.S. §16-4-101(1)(b) shall have bond set UNLESS a no bond hold is requested. Such a request must be in writing. The request may be made by the law enforcement officer through a conspicuously captioned request in the probable cause affidavit or arrest warrant or the District Attorney may file a motion. The written request shall address the statutory requirements for a no bond hold. Any request by the District Attorney shall be made promptly.

Upon filing of a written request to hold a defendant without bond, the assigned judge shall review the request and enter a ruling based on the information provided. Unless a request to hold without bond under §16-4-101(1)(b), C.R.S is made, judges shall set bond as required by law.

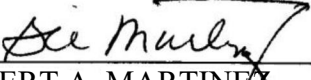
The Office of the Public Defender shall be appointed to represent any defendant held without bond under C.R.S. §16-4-101(1)(b) unless and until another counsel enters an appearance.

At the time a defendant held without bond under C.R.S. §16-4-101(1)(b) is advised of his/her rights by a judicial officer, the Office of the District Attorney and the

Office of the Public Defender shall participate through experienced attorneys. The judicial officer handling advisements will notify both offices in advance of such advisement. The Office of the District Attorney and the Office of the Public Defender shall provide the Judicial District with a contact person to receive that notice.

At the advisement appearance, the court shall set the hearing required under C.R.S. §16-4-101(1)(b) in the division to which the case is being assigned. The assigned division shall be responsible for ensuring the hearing is held, whether in that division or through a coverage judge, within the statutory time limit.

BY ORDER OF THE CHIEF JUDGE this 5th day of November, 2013.



GILBERT A. MARTINEZ
Chief Judge, 4th Judicial District