

CASE MANAGEMENT ORDER IN ALL CRIMINAL CASES

SCHEDULING:

- All criminal jury trials are scheduled to begin on Tuesday morning at 8:30 am. All motions, including motions in limine, must be heard at the motions hearing unless otherwise Ordered.
- Motions/Omnibus hearings will be scheduled approximately 30-45 days before trial, upon request.
- Pre-trial readiness hearings (PTRD) will be scheduled approximately one to two weeks prior to the trial date. If any new issues arise between PTRD and trial, Counsel shall contact the Court for a forthwith hearing.

DISCOVERY:

- Unless otherwise Ordered, all discovery must be completed no later than **35** days before trial.

District Attorney:

- must comply with C.R.Crim.P Rule 16;
- must provide to the defendant and file with the Court a good faith list of witnesses, including addresses and telephone numbers, no later than **35** days before trial;
- late endorsements will only be considered upon proper motion, notice, and hearing;
- must give notice to the defendant of any C.R.E. 404(b) evidence and provide discovery related thereto;
- must provide to the defendant a list of any prior felony conviction, any juvenile convictions, and misdemeanor convictions directly related to credibility, of the defendant and any witnesses which are known to the District Attorney;
- must provide to the defendant all witness statements obtained by the District Attorney's office during trial preparation which are materially different from any statements previously made; and
- must provide written notice of any benefit given to a witness in exchange for his or her testimony.
- Must provide notice pursuant to C.R.S. 13-25-129 (child hearsay) within **45** days after arraignment.

Defendant:

- must comply with C.R.Crim.P Rule 16;
- must provide to the District Attorney and file with the Court the defendant's theory of defense, good faith list of witnesses, including addresses and telephone numbers, designation of affirmative defenses, and notice of alibi no later than 35 days before trial;
- late endorsements will only be considered upon proper motion, notice, and hearing; and
- must give notice to the District Attorney of any C.R.E. 404(a)(2) evidence and provide related discovery.

MOTIONS:

- All substantive motions shall be filed no later than **45** days after arraignment. If a motions hearing has not been set, the moving party shall set the matter for hearing no later than **35** days before trial; opposing counsel shall provide written response within **21** days.

EXPERTS:

- Any witness who may be called by any party and qualified as an expert shall be identified as an expert in the above disclosures. This includes law enforcement who may be qualified as an expert. All statements and/or reports of the expert shall be disclosed to opposing counsel no later than **35** days before trial. If the expert has not prepared a written report, counsel shall provide a summary of the witness' expected testimony. Expert testimony shall be limited to their statements, reports, or summary and the reasonable inferences which may be drawn there from.

EXHIBITS AND INSTRUCTIONS:

- Counsel are encouraged to meet and exchange exhibits & exhibit lists prior to commencement of jury selection; seeking a forthwith hearing with the court to address objectionable exhibits. *People v. Kilgore*, 455 P.3d 746 (Colo. 2020)(court cannot compel defense exhibit disclosure prior to trial). Counsel shall provide the court with a joint witness list and respective proposed exhibit charts no later than the morning of trial.
- The District Attorney shall provide a complete set of proposed instructions no later than the morning of the first day of trial. An electronic copy shall be provided to the Court and defense.
- Any proposed defense instructions, including the defendant's theory of the case, must be submitted electronically to the Court and prosecution prior to the close of evidence.
- Counsel are required to meet and prepare an agreed-upon statement of the case for inclusion in the juror notebooks. If no agreed-upon statement is prepared, the Court will read the information to the jury panel.

(OVER)

SEQUESTRATION:

- Pursuant to C.R.E. 615, an Order of Sequestration of Witnesses is in effect for all cases tried in Division 1. Counsel shall advise their witnesses of the sequestration order.

JURY SELECTION, OPENING AND CLOSING:

- Unless modified by the Court upon application of counsel at least **7** days before trial, the following procedures will apply:
 - On all cases, unless otherwise Ordered, the Court **WILL** utilize a modified civil jury selection process. Parties will be permitted **30** minutes to *voir dire* the entire jury panel (usually 35 people). The last juror(s) in box is/are designated alternate(s). Peremptory challenges will be exercised from jurors seated in the box, without additional questioning of replacement jurors. If counsel "passes" the jury, only replacement jurors may be struck. If unfamiliar with this process you are encouraged to discuss this with the Court prior to trial.
 - If a supplemental questionnaire is requested, it shall be submitted to the Court and opposing counsel prior to pre-trial readiness.
 - Each side will have **15** minutes for opening and **30** minutes for closing. Upon request the Court may grant additional time for more complicated cases.
- The purpose of *voir dire* examination is to determine whether any potential juror has opinions or beliefs that would cause them to be biased in such a manner that would interfere with a party's right to receive a fair and impartial trial. The purpose of *voir dire* is **NOT** to instruct prospective jurors on the law, but to determine whether they could conscientiously apply the law as given by the Court in its instructions. *People v. Harlan* 8P.3d 448 (Colo. 2000). Because of the inherent confusion which occurs when attorneys attempt to debate the law with jurors, the Court therefore Orders that *voir dire* examination be limited as follows:


- The Court will read to the jury pool jury instructions regarding presumption of innocence, burden of proof, right to remain silent, evidence and credibility of witnesses. Upon request, the Court may read additional instructions, including element instructions. Follow up questioning by counsel shall be limited to determining whether the jurors in fact understand the law as given by the Court and can apply that law to the facts as they find them.
- No hypothetical questions, such as asking the juror what he or she would do or vote if the facts were as stated by the attorney, will be permitted. No jurors shall be asked if they want to hear defendant testify; rather, counsel may ask if the defendant will be prejudiced if exercising right to remain silent.

MISCELLANEOUS:

- The Court is required to livestream CR dockets and trials. Counsel shall notify the Court of any concerns.
- **ABSENT EXTRAORDINARY CIRCUMSTANCES, the Court will not accept joint motions to continue or grant continuances at the request of either party on the day of trial.** Any motion seeking a continuance must be filed in writing at least 7 days before trial and set for hearing no later than the PTRD hearing or criminal docket before trial.
- On the morning of trial, if multiple cases remain set for trial, after consultation with counsel the Court will select the case which will be tried. Counsel shall be prepared to try all cases which remain on the trial docket, as the Court will solicit coverage. Witnesses shall not be released without the express permission of the Court.
- All plea agreements must be entered by the defendant and accepted by the Court no later than the last docket day scheduled before trial. **ABSENT EXTRAORDINARY CIRCUMSTANCES, the Court will not accept plea agreements on the day of trial.**
- All guilty pleas must include a written plea agreement outlining the terms of the plea agreement.
- Following entry of a guilty plea, unless the D.A. consents to a P.R. bond, the defendant must have written consent of surety to remain on bond pending sentencing. **THERE ARE NO EXCEPTIONS.**
- Failure to comply with this Order may result in the imposition of sanctions, including evidence and witness preclusion. Continuances caused by failure to comply with this Order will be charged to the offending party.

SO ORDERED THIS 11th day of December, 2024.

BY THE COURT:



Linda Billings Vela
District Court Judge