

District Court, Weld County, State of Colorado Court Address: 901 9 th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case Number: 13 CV 01 Division 1
ADMINISTRATIVE ORDER NO. 13-08 <i>Revised October 13, 2021</i>	
ORDER REGARDING PROCEDURES FOR PROVIDING AN UN- REDACTED TRANSCRIPT UPON THE REQUEST OF A VICTIM OF AN OFFENSE LISTED IN C.R.S. §§24-72-304(4), (4.5)	

Pursuant to the authority granted to Chief Judges by Chief Justice Directive 95-01, “Authority and Responsibility of Chief Judges,” the following procedures for releasing an un-redacted transcript to and upon the request of a victim of a sexual assault, or the parent or legal guardian of a child-victim, or the attorney representing the defendant are hereby established.

The court, as a criminal justice agency, is required pursuant to C.R.S. §24-72-304(4)(a) to delete the name(s) of the victim(s) and any other information that would identify any victim of a sexual offense, or of a child-victim pursuant to C.R.S. §24-72-304(4.5)(a), before releasing a transcript of court proceedings to any person. “Person” is defined at C.R.S. §24-72-302(9) as, “any natural person, corporation, limited liability company, partnership, firm, or association.” The purpose of this rule is to protect the victim’s right to privacy.

The Chief Judge, pursuant to Chief Justice Directive 05-03, is ultimately responsible for the administrative of court reporting services.

There are occasions when the victim of a sexual offense, or the parent or legal guardian of a child-victim, requests a copy of an un-redacted transcript from the court. There are also instances when the attorney representing the defendant requests an un-redacted copy of a transcript.

The following procedures shall apply when an un-redacted transcript is requested by the victim of the offense, the victim's parent or guardian, or the attorney representing the defendant:

1. The provisions of this order shall apply to the following offenses:
 - A. Sexual Assault under C.R.S. §18-3-402, or first degree sexual assault under C.R.S. §18-3-402, as it existed prior to July 1, 2000;
 - B. Sexual assault in the second degree under C.R.S. §18-3-403, as it existed prior to July 1, 2000;
 - C. Unlawful sexual contact under C.R.S. §18-3-404, or sexual assault in the third degree pursuant to C.R.S. §18-3-404, as it existed prior to July 1, 2000;
 - D. Sexual assault on a child under C.R.S. §18-3-405;
 - E. Sexual assault on a child by one in a position of trust under C.R.S. §18-3-405.3;
 - F. Sexual assault on a client by a psychotherapist under C.R.S. §18-3-405.5;
 - G. Incest under C.R.S. §18-6-301;
 - H. Aggravated incest under C.R.S. §18-6-302;
 - I. Any attempt to commit any of the offenses listed above.

2. In addition to the offenses listed in paragraph 1 above, the provisions of this order shall apply to the following offenses involving a child-victim:
 - A. Any offense listed in part 4 of article 6 of title 18, C.R.S.;
 - B. Internet sexual exploitation of a child under C.R.S. §18-3-405.4;
 - C. Enticement of a child under C.R.S. §18-3-305;
 - D. Internet luring of a child under C.R.S. §18-3-306;
 - E. Soliciting for child prostitution under C.R.S. §18-7-402;
 - F. Pandering of a child under C.R.S. §18-7-403;
 - G. Procurement of a child under C.R.S. §18-7-403.5;
 - H. Keeping a place of child prostitution under C.R.S. §18-7-404;
 - I. Pimping of a child under C.R.S. §18-7-405;
 - J. Inducement of child prostitution under C.R.S. §18-7-405.5;
 - K. Patronizing a prostituted child under C.R.S. §18-7-406;
 - L. Human trafficking of a minor for involuntary servitude under C.R.S. §18-3-503;
 - M. Human trafficking of a minor for sexual servitude under C.R.S. §18-3-504(2);
 - N. Any attempt to commit any of the offenses listed above.

3. The court will only release an un-redacted copy of a transcript prepared for cases involving an offense listed in paragraphs 1 and 2 above to the victim of the offense, or the parent or guardian of the victim if the victim of the offense

tenders to the court a signed written release on the form attached to this administrative order, or a release signed by the parent or legal guardian for any offense specified in paragraphs 1 or 2, if the victim is under the age of eighteen.

4. If there is more than one victim of an offense listed in paragraphs 1 and 2 above involved in the case, the court must receive a signed written release from each of the victims, or the parent or legal guardian if the victim is under the age of eighteen, before a complete un-redacted copy of the transcript will be prepared or released to the victim or the victim's parent or guardian. If releases are obtained from some but not all the listed victims, the court will prepare and release a transcript to the victim or the victim's parent or guardian with the name(s) of the victim(s) who provided a release and delete the names and identifying information of the victims who did not provide a release.
5. An un-redacted transcript will be released only to the victim, the victim's parent or legal guardian if the victim is under the age of eighteen, or to the victim's attorney if designated by the victim or the child-victim's parent or legal guardian on the release form accompanying this order.
6. The attorney representing the defendant in the criminal case is an "officer of the court" and will receive information related to the name of the victim during the proceedings. An "officer of the court" who receives the name of a child-victim has a responsibility to notify a criminal justice agency or custodian of criminal records when the attorney learns that information during the course of proceedings. C.R.S. §§24-72-304(4)(c)(I), -(4.5)(c)(I).
7. Although the statute does not provide an express exception or procedure for providing an un-redacted copy of a transcript to the attorney representing a defendant in the criminal action, I find that an attorney representing the defendant in the criminal case, as an officer of the court in the official action, falls within the definition of the "court with criminal jurisdiction" of a "criminal justice agency," under C.R.S. §24-72-302(3). The requirement to redact the name and identifying information of a victim of a sexual offense or a child-victim does not apply when records are released to a criminal justice agency. C.R.S. §§24-72-304(4)(a), -(4.5)(d)(I). Moreover, the defendant's right to due process of law requires the defendant's attorney to obtain information necessary to present a defense and a transcript of proceedings held in the case are often necessary for defense at trial, presenting an appeal, and post-conviction proceedings.

8. As an officer of the court, the defendant's attorney shall not provide a copy of or share an un-redacted copy of the transcript to or with any other person, other than during official actions held in the case. The attorney may, however, review the attorney's un-redacted copy of the transcript with the client and members of the defense team in preparation for official actions for the case.

Dated: October 13, 2021.

BY THE COURT


James F. Hartmann
Chief Judge, 19th Judicial District

RELEASE AND WAIVER

Name of the Person Requesting Transcript: _____

Case Number of Transcript Request: _____

By signing below, I acknowledge that I am aware and understand that the court, as a criminal justice agency, would otherwise be required to delete my name or the child-victim's name from the transcript pursuant to C.R.S. § 24-72-304(4)(a) or C.R.S. § 24-72-304(4.5)(a), as the victim of the offense, to protect my privacy or the child-victim's privacy. I hereby authorize the court to prepare and provide me with a transcript of the court proceedings that does not have my name or my child's name deleted (an "un-redacted" copy). I further release court personnel and the shorthand reporter or transcriptionist, whether the shorthand reporter or transcriptionist is a court employee or retained by the court to prepare transcripts, from any and all future claims for damages resulting from the court providing me or my attorney, if so designated by me below, with an un-redacted copy of the transcript.

I hereby authorize the court to provide a copy of the un-redacted transcript to:

Me

My attorney or my child's attorney _____
(name and telephone number of attorney)

I affirm under penalty of law that I am the parent legal guardian of
_____ [please list the name(s) of child-victim(s)].

Signed: _____ Date _____

*****A person requesting preparation of a transcript is required to complete and submit a transcript request form in addition to this Release and Waiver Form. *****

TRANSCRIPT REQUEST FORM

Pursuant to Chief Justice Directive 2005-03

This transcript request form must be completed by any person requesting a transcript from any court proceeding whether reported stenographically or by electronic recording means. Upon completion of this **Transcript Request Form**, please follow established policies and procedures for each judicial district which outline instructions for ordering transcripts, tapes or digital recording disks.

This information is available on the Colorado Judicial website at <http://www.courts.state.co.us/>

For transcript requests in the Nineteenth Judicial District, Weld County,

e-mail the completed form to [Transcript Request Email Contact](#). (Click on link to generate email with contact information.)

Transcript Rates

Ordinary Rate (State Paid)

Within 30 days or per
C.A.R. 11(a)&(d)

Original Price/page \$3.00
Copy to Party Price/page \$.00
Add'l Copy to Non-Party Price/page \$.75

Expedited Rate (within 10 days)

Original Price/page \$3.75
Copy to Party Price/page \$.75
Add'l Copy to Non-Party
Price/page \$.75

Ordinary Rate (Private Paid)

Within 30 days or per
C.A.R. 11(a)&(d)

Original Price/page \$3.00
Copy to Party Price/page \$.75
Add'l Copy to Non-Party Price/page \$.75

Hourly Rate (within 2 hours of adjournment)

Original Price/page \$6.25
Copy to Party price/page \$1.25
Add'l Copy to Non-Party
Price/page \$1.25

Daily Rate

Following adjournment & prior
to normal opening hour of
court the following morning

Original Price per page \$5.25
Copy to party Price per page \$1.00
Add'l Copy to Non-Party Price/page \$1.00

Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory payment arrangements are made for required fees. To avoid any disputes as to dates or payment, a dated receipt for payment shall be provided to requester. The rates listed above are subject to change through amendments to CJD 05-03 by the Colorado Supreme Court.

