
COLORADO COURT OF APPEALS
No. 09CA1396

ORDER
Tr. Ct. No. 08CV689

Julie Stene,

Petitioner-Appellee,

v.

Carol Chambers, District Attorney, 18th Judicial District,

Respondent-Appellant.

ORDER DENYING STAY IN PART, GRANTING STAY IN PART,
AND SETTING EXPEDITED BRIEFING SCHEDULE

The Court, having considered appellant's Motion for Stay of Orders and the materials filed therewith,

DENIES the motion as to the portions of the trial court's May 22, 2009, order that (1) grants Ms. Stene's petition to compel charges be filed against Clyde Surrell and Riley McMurdo for alleged sexual assaults perpetrated on Ms. Stene between and including June 1 and June 2, 2000, and (2) grants Ms. Stene's request for the appointment of a special prosecutor, which the trial court shall select "from among the full-time district attorneys, assistant district attorneys, or deputy district attorneys who serve in judicial districts

other than where the appointment is made," § 16-5-209, C.R.S. 2009, and

GRANTS the motion as to remaining portion of the order, which states that "An available, conflict-free special prosecutor who is willing to further investigate and prosecute these charges must be suggested to the Court by Ms. Chambers' Office," said stay to remain in effect during the pendency of this appeal unless modified by further order of this Court.

The Court sets the following expedited briefing schedule:

1. The Court ADOPTS, as the record on appeal, the LexisNexis electronic record of the materials submitted with the Motion for Stay of Orders. Any party wishing to supplement the record shall do so within ten days from the date of this order. Otherwise, the materials submitted along with the Motion for Stay of Orders shall be treated as the complete record.

2. The opening brief shall be filed within twenty days from the date of this order.

3. The answer brief shall be filed within fifteen days of the filing of the opening brief.

4. The reply brief shall be filed within ten days of the filing of the answer brief.

No extensions of time will be granted for filing briefs except upon showing of exceptional circumstances, which is not established by a showing of other demands on counsel's time. Any request for oral arguments shall be filed within ten days after the filing of the answer brief. A request for oral arguments will delay resolution of the appeal, and counsel for the parties shall confer before making such a request. The appeal shall be set for disposition as soon as practicable after the reply brief is filed.

BY THE COURT:

Davidson, C.J.
Casebolt, J.
Webb, J.

Dated: July 15, 2009

jb/3j