DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon St. PO Box 2980 Colorado Springs, Colorado 80901-2980 719-448-7532	▲ **COURT USE ONLY** ▲
Plaintiff: **PEOPLE OF THE STATE OF COLORADO** v. **Defendant**: **ALL DEFENDANTS AND COUNSEL**	Case Number: **ALL CRIMINAL CASES** Div: **9** Ctrm: **S503**
CASE MANAGEMENT ORDER FOR CRIMINAL CASES	

I. DOCKET AND PRETRIAL DEADLINES

A. BOND

Motions to reduce bond will be heard only after proper notice to the District Attorney. Bond reduction hearings will be held in conjunction with the disposition hearing or preliminary hearing, unless the bond has been set in excess of the standard bond amount. Written motions for bond reduction are not required. This order constitutes notice to the District Attorney that bond will be addressed at the first disposition hearing or preliminary hearing.

The District Attorney will provide the Court with a copy of the Pretrial Justice Services report at any contested bond hearing.

B. APPEARANCES

Unless excused by the court, defendant is required to appear at all dates, including but not limited to trial, motions and pre-trial readiness conference as each date set by the court is a bond return date.

C. PRELIMINARY HEARING

On the date set for preliminary hearing, the hearing will occur or be waived. Parties should assume that a continuance of the preliminary hearing will not be granted

unless good cause is shown. Any party seeking a continuance of the preliminary hearing shall so advise the Court and opposing counsel prior to the day set for the hearing.

D. DISCOVERY

Unless otherwise agreed upon by the parties and approved by the Court, discovery shall be strictly controlled by C.R.Crim.P Rule 16. Motions requesting discovery required by that rule are not to be filed. Pursuant to Chief Judge Directive 2006-1, the District Attorney is ordered to provide the NCIC and CCIC information available on all its lay witnesses. The District Attorney shall provide discovery not only of the information in its possession but also of any information relevant to the case in possession of the various investigative personnel and law enforcement. C.R.Crim.P. Rule 16(Part I)(b)(4).

No later than thirty (30) days prior to trial, the parties shall disclose:

● the matters enumerated in C. R. Crim.P. Rule 16 Part I (d)(3) and Part II(b)(2) regarding experts so that counsel will have meaningful information to conduct effective cross-examination. If no report is made by the expert then a written summary describing the expert's opinions and reasons therefore must be disclosed. The matters to be disclosed include any learned treatises or studies consulted or relied upon by the expert;

● good faith list of witnesses; theory of defense; any affirmative defense(s) and alibi;

● the people are required to provide to defendant any records of previous criminal convictions of the defendant or any witness they intend to call in the case and juvenile arrest and criminal records since these are open records per CRS 19-1-304(1)(b.5);

● the people must provide written notice to defendant of any benefit or promises given to a witness in exchange for their testimony;

● defendant must provide to the people any CRE 404(a)(2) evidence.

E. MOTIONS

All motions should be written to advise the Court in the beginning of the motion concerning what specific relief is sought and the specific factual basis for the issue presented to the Court for determination. "Boiler plate" motions are discouraged and each motion should state the specific facts and circumstances applicable in the law and as applied to the specific case at issue.

A motion hearing date will be set at the time the case is set for trial. All motions are to be filed at least 30 days prior to the motions hearing date and responses are to be filed within 15 days from the filing of the motion.

The Court will make every effort to read any authority provided by counsel prior to the hearing. Citing authority for the first time during the Motions Hearing is discouraged.

F. PLEA HEARINGS AND SENTENCE HEARINGS

All felony and class one misdemeanor plea agreements will be tendered to the Court in writing and include the written rights advisement as well as all terms of the agreement. Every effort should be made to have the written plea agreement and advisement completed prior to court being called to order.

Unless otherwise ordered, a "Consent to Remain on Bond", will be tendered to the Court upon completion of the plea. Defendant will be remanded into custody if the Consent is not tendered at that time. Court staff will not be responsible for obtaining the Consent. The fax number for the Division Fax is (719) 329-7012.

At the sentencing hearing, the Defense Attorney will advise the Court as to the itemization of pre-sentence confinement credit, residential credit, non-residential credit and earned time to which the Defendant is entitled, even if Defendant's sentence does not include incarceration.

II. PREPARTION FOR JURY TRIAL

A. TRIAL CALL

All criminal cases set for jury trial will be called at 9:00 a.m. on Mondays. The court's judicial assistant will provide each party with a jury seating chart.

B. JURY INSTRUCTIONS

All Jury Instructions of the People and of the Defense including case specific instructions, and an agreed upon statement of the case will be delivered to the Court and opposing counsel by the close of business on the Wednesday before the jury trial date. They are to be provided to the Court's clerk in an editable electronic format such as a thumb drive, disk, or by email. Each proposed set of instructions are to be provided as one document. Example: Defense proposed instructions in one document, People's proposed instructions in one document, and stipulated instructions in one document. Do not submit individual instructions as separate documents.

C. DEFENDANT DRESS OUT

In-custody Defendants must have their civilian clothes to the jail before the trial date and Defendants must be dressed appropriately before court begins the day of trial.

D. EXHIBITS

All exhibits are to be marked before the start of trial and a copy of the master exhibit list will be provided to the Court and Court Reporter.

E. MOTIONS IN LIMINE

Motions in limine are to be filed no later than the Pre-Trial Readiness Conference. Motions in limine will be addressed after the Pre-Trial Readiness Conference for any matters that arise for the first time, with good cause shown, after the Pre-Trial Readiness Conference. No motions in limine during the trial of the case will be considered unless good cause is shown.

F. JURY QUESTIONARE

Any party requesting a special juror questionnaire shall present the proposed questionnaire to opposing counsel and the Court not later than the Pre-Trial Readiness Conference.

III. VOIR DIRE

A jury panel seating chart will be completed by the Court Judicial Assistant and distributed to both sides and all Division 9 staff. The Court will consider affording each counsel a mini-opening statement, not to exceed three minutes, before voir dire begins. The Court will also provide any relevant instructions to the jury panel during voir dire if requested by counsel at the Pre-Trial Readiness Conference.

Potential jurors shall be questioned using the "modified civil" method by which all panel members are to be questioned regardless of where they are seated. Questions to the jury panel shall be focused on bias, fairness, impartiality, and legal impairments to jury service. Hypothetical questions concerning potential evidence in the case should be avoided. Promises from jurors will not be solicited. To the extent a potential juror expresses a hardship, the court will consider that issue at the conclusion of the general voir dire process and counsel will refrain from offering to excuse the juror due to hardship. Peremptory challenges are to be exercised pursuant to Colo.Crim.P. Rule 24(d). *Batson* challenges must be made immediately upon the announcement of a questionable strike.

Unless additional time is granted at the Pre-Trial Readiness Conference, each side will be allowed a total of the following for voir dire:

1.	F-1	90 minutes
2.	F-2 and Sex Assaults	60 minutes
3.	F-3	45 minutes
4.	F-4, F-5 and F-6	30 minutes

IV. JURY TRIAL PROCEDURES

A. OPENINGS AND CLOSINGS

Each side shall have twenty (20) minutes for opening statements and thirty (30) minutes for closing arguments, unless additional time is requested at the Pre-Trial Readiness Conference. The people may reserve rebuttal out of their thirty (30) minutes for closing. No exhibits may be published to the Jury during Opening Statements unless agreed to between the parties.

B. SEQUESTRATION

Potential Witnesses shall not be present in the courtroom for the testimony of other witnesses. Pursuant to C.R.E. 615 sequestration of witnesses is ordered for all testimony at trial, except for alleged victims and any advisory witness designated by either party. Counsel shall advise their witnesses of the sequestration order, as well as any other limine orders.

C. JURY QUESTIONS

In most cases, jurors will be allowed to ask questions. The jury will be instructed concerning asking questions. The Court will consult with counsel about any juror question that may be objectionable. Jurors will be provided written forms for questions in the juror notebooks. Any objections to permitting juror questions must be raised at the Pre-Trial Readiness Conference.

D. SCHEDULING

The trial day generally shall begin at 8:30 and end at 5:00, with a morning and afternoon recess of 15 minutes each and a lunch recess of either an hour or hour and a half. Counsel will schedule witnesses to ensure an orderly and timely presentation of evidence. Issues to be discussed with the Court should be done outside of the normal trial hours.

Adopted this _____ day of _____, 20_____.

BY THE COURT:

_____
Timothy J. Schutz
District Court Judge