

COUNTY COURT, TELLER COUNTY, COLORADO
DIVISION T

CASE MANAGEMENT ORDER IN ALL CRIMINAL CASES

SCHEDULING:

- All criminal jury trials are scheduled to begin on the scheduled trial date at 8:00 a.m. Counsel and his or her client are to appear at 8:00 a.m. **Brief** motions in limine can be heard on the morning of trial. All other motions must be heard at the motions hearing unless otherwise ordered.
- **Parties have 35 days from the date jury trial is scheduled to file motions, including motions in limine. Motions hearings will be held at least 30 days prior to trial, and the scheduling of such hearings must be initiated by the moving party.**
- Both parties, when answering ready, shall confirm they agree upon the charges, and are in contact with witnesses.

DISCOVERY:

- Unless otherwise ordered, all discovery must be completed prior to the pretrial readiness conference.

District Attorney:

- must comply with C.R.Crim.P 16.
- 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 convictions, 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.
- must provide written notice to the defendant of any benefit given to a civilian witness in exchange for his or her testimony.

Defendant:

- must comply with C.R.Crim.P. 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 designation of affirmative defenses, no later than **20** days before trial; notice of alibi defense is governed by C.R.Crim.P. 16(II)(d).
- Alternate suspect theory of defense must be disclosed to the D.A. at least 20 days prior to trial with an offer of proof; an evidentiary hearing will be held as soon as it can be scheduled. Witnesses to support such a theory must be disclosed with the normal endorsement of witnesses.
- must give notice to the District Attorney of any C.R.E. 404(a)(2) evidence and provide discovery relevant thereto.
- All discovery issues actually known, or which should have been known, at the time of the pretrial readiness conference are waived if not raised by objection at the pretrial readiness conference.

EXHIBITS AND INSTRUCTIONS:

- Counsel are required to meet and exchange exhibits and exhibit lists prior to commencement of jury selection. Exhibits which are not disclosed before trial will be excluded.
- The District Attorney shall provide a complete set of proposed instructions to the Court and opposing counsel no later than 12:00 p.m. on the first day of trial or opening statements, whichever is later.
- Any proposed defense instructions, including the defendant's theory of the case, must also be submitted to the Court and to the District Attorney no later than 12:00 p.m. on the first day of trial.
- Any instructions that are not part of the standard Colorado Jury Criminal Instructions shall be submitted without the supporting legal authority on the actual instruction, but counsel shall have a copy of the supporting legal authority for the Court and opposing counsel to review.

SEQUESTRATION:

- Pursuant to C.R.E. 615, an Order of Sequestration of Witnesses is in effect for all cases tried in Division T unless otherwise agreed by the parties and placed on the record in open Court. 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 parties will be permitted **15** minutes each to *voir dire* the seated jury panel. The first six jurors will be the presumptive panel. Once a party has accepted the panel, they cannot go back and later strike a juror that they previously accepted. Each side has up to three peremptory challenges.
- Each side will have a maximum of **10** minutes to make an opening statement and **20** minutes to make a closing argument.
- 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*, 8 P.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 the jury instruction regarding presumption of innocence, burden of proof, and the right to remain silent. 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. There shall be absolutely **NO** discussion of the facts of the case during *voir dire*. 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.

MISCELLANEOUS:

- **The Court will not grant continuances at the request of either party on the day of trial.** Any motion seeking a continuance must be handled prior to or at the pretrial readiness hearing. It is expected that the parties will have confirmed with each other prior to pre-trial readiness the names and number of witnesses they intend to call.
- 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. Witnesses shall not be released without the express permission of the Court.
- Motions made during trial (except for routine evidentiary objections and related motions to strike) shall generally be made outside the jury's presence. Routine evidentiary objections should be brief, stating the legal basis therefore, and **WITHOUT** further argument or commentary unless so directed by the Court. No speaking objections. Offers of proof shall also generally be made outside the presence of the jury.
- Following a guilty verdict, unless the D.A. consents to a P.R. bond, a defendant on bond 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.

PLEA AGREEMENTS:

- Plea agreements shall be filed as soon as possible and no later than 1 business day prior to sentencing.

SO ORDERED THIS 21st day of December, 2021.



THERESA L. KILGORE
County Court Judge