



6th JUDICIAL DISTRICT

La Plata County Combined Courts

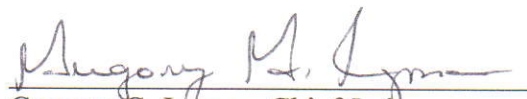
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CHANGING A MISDEMEANOR TO A FELONY FILING

When a case is originally filed as a misdemeanor and the DA wants to file felony charges for the same criminal episode, the following procedure will be applied:

- 1) If the County Judge/Magistrate is told by the DA that they intend to file felony charges, the Judge/Magistrate will set the case on her docket in approximately 2 weeks.
- 2) The DA's office may then file a felony complaint with the clerks in the usual fashion with the return date for the felony being set IN COUNTY COURT for the next misdemeanor date.
- 3) Upon the felony return date in County Court, the DA should have a Motion to Transfer the bond and restraining order for the misdemeanor file. The County Court will issue a restraining order in the felony file and transfer bond from the misdemeanor file to the felony. The felony case will be set for filing in District Court per standard policy and the misdemeanor case dismissed.

SO ORDERED this 16th day of December, 2010.



Gregory G. Lyman, Chief Judge

cc: LaPlata Judges
Clerk of Court
District Attorney