

2009-02
amending 2007-02

NOTICE

By Administrative Order No. 2005-4, replaced by Administrative Order 2007-2, the Eighth Judicial District Chief Judge James H. Hiatt implemented policies and procedures for the first appearance center (FAC), also known as Courtroom 1A. With recent changes to the arrest and bonding practices for the Larimer County Detention Center the county courts now adopt the following practices for returns for defendants who post bond for misdemeanors, petty offenses, or traffic offenses and are released prior to appearing via video court during 1:30 advisements.

1. The Larimer County Sheriff's Office and Pretrial Services will be instructed to return bonds to the 1A court for advisement at 1:30 P.M. This advisement date is to be set for the first business day available two weeks after the defendant's release.

2. Prior to this return date, the clerks will open a file with two dates set – the 1:30 advisement date in Courtroom 1A that the defendant received at the jail, and a subsequent date for arraignment. The arraignment date will be set either in Courtroom 1A or in an assigned county court division, as set forth in Administrative Order No. 2007-2. At the 1:30 appearance on the return date, the defendant will watch an advisement video and receive a notice for his or her arraignment date.


3. If an attorney files a written entry of appearance no later than 48 hours prior to the 1:30 advisement date that the defendant received at the jail, then the 1:30 advisement appearance for the defendant will be waived. Upon receipt of a timely entry, the clerk will vacate the 1:30 advisement appearance in 1A and transfer the file to the assigned county court division. As used herein "48 hours" means two business days prior to the advisement date before 1:30 P.M. (For example if the defendant is to appear in the 1A court at 1:30 on Tuesday, the attorney's written entry of appearance must be filed by 1:30 P.M. on the preceding Friday.)

4. An entry filed no later than 48 hours waives the 1:30 advisement date in all cases and waives the arraignment date IF, AND ONLY IF, the arraignment date was scheduled for Division 1A. If the arraignment date was scheduled in the assigned county court division, then this arraignment date is NOT waived and remains in place despite the entry. It is the responsibility of the attorney to know the next appearance date in the case and to contact the division if a change is necessary. The clerk's office will generally not provide notice of this date to counsel. Settings in a division are subject to that division's various practices.

5. Any attorney entry filed less than 48 hours prior to the appearance date will be accepted, but the defendant must still appear for the 1:30 advisement. A warrant will issue if the defendant does not appear as scheduled. To insure consistent application of these procedures, no exceptions to these procedures will be permitted. All entries must be filed with the clerk's office--Division 1A will not accept entries.

6. Division clerks are to review every file coming from the 1A court and insure that the next appearance date is properly docketed. Division clerks must also periodically run open case reports to determine whether any cases assigned to the divisions were not given a next appearance date. Division clerks may want to inform the setting clerk when vacated dates can be reused.

Effective after March 31, 2009.


Peter E. Schoon, Jr.
Presiding County Court Judge

APPROVED:


James H. Hiatt
Chief Judge

3-27-09