

District Court, Larimer County, State of Colorado 201 La Porte Avenue Fort Collins, CO 80521-2761 (970) 494-3500	<hr/> <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr/> Case No.:  Ctrm: 3B
<b>CASE MANAGEMENT ORDER</b>	

The Court held an arraignment on \_\_\_\_\_ and set the matter for a \_\_\_\_\_-day jury trial that will begin on \_\_\_\_\_. Pursuant to Crim. P. 16(V)(b)(1), the Court enters the following schedule of items in Parts I and II of Rule 16. Counsel must follow the deadlines and requirements of this Order. The Speedy Trial deadline is \_\_\_\_\_.

**A. DISCOVERY**

**1. GENERAL**

Unless otherwise agreed upon by the parties and approved by the Court, discovery shall be strictly controlled by Crim. P. 16. Motions requesting discovery for which Rule 16 already requires disclosure **must not** be filed. Crim. P. 16(V)(a) (“The furnishing of items discoverable, referred to in Part I(a), (b), and (c) and Part II (b)(1), (c) and (d) herein, is mandatory and no motions for discovery with respect to such items may be filed.”). To avoid unnecessary motions, the district attorney is ordered to provide the NCIC and CCIC information available on all its lay witnesses. The Court expects the district attorney to 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, pursuant to Crim. P. 16(I)(b)(4).

2. **“BAD ACTS”**

With the exception of rebuttal evidence, all evidence the People intend to introduce of prior “bad acts,” “other transactions” and Colo. R. Evid. 404(b) shall be filed by the motions deadline. Argument with legal authority supporting the theory of admissibility must be included.

3. **EXPERT DISCLOSURES (IF APPLICABLE).**

The Court finds that the interests of justice require both sides to disclose the underlying facts or data supporting each opinion of any expert endorsed as a witness. Crim. P. 16(I)(d)(3), (II)(b)(2). Each party shall, no later than \_\_\_\_\_ days before the jury trial, provide a written summary or report under the respective provisions of Rule 16. If the expert chooses not to prepare a report, counsel must provide a summary of the expert’s testimony, describing the witness’s opinions and the bases and reasons therefor, including the results of physical or mental examination and of scientific tests, experiments or comparisons. Disclosure shall allow the opposing party sufficient meaningful information to conduct effective cross examination under Colo. R. Evid. 705.

**B. PRETRIAL MOTIONS**

**Parties shall file pretrial motions on or before \_\_\_\_\_.** Motions and responses must state the beginning of the document the specific relief sought and the factual bases for the issue presented. Every issue must be clearly addressed by separate headings. “Boiler plate” motions are not permitted and will be denied with leave to refile. In other words, please state the specific facts and circumstances in applying the law as it applies to this case. All motions shall include a citation to authority.

Responses to any motion shall be due within 14 days unless otherwise ordered by the Court. A status conference will be scheduled before the Court after the response deadline at which time the Court will determine whether a hearing should be scheduled on any outstanding motions. Additional motions hearings will be provided as necessary and appropriate to the case.

Counsel must advise the Court of any motions hearings that will require extended time before the scheduled hearing.

A status conference is set for . Counsel must be ready to discuss how much time a motions hearing may take and whether a disposition is possible.

### **C. PRELIMINARY HEARING**

Upon a timely request for a preliminary hearing the Court will set the matter for hearing within 35 days. On the date set for the preliminary hearing, the hearing will occur or be waived, unless good cause for continuing the hearing is shown.

### **D. PLEA HEARINGS AND SENTENCING HEARINGS**

All guilty pleas, including deferred sentences, will require written plea agreements. All plea agreements shall be tendered to the Court in writing and include all the terms of the agreement. Every effort should be made to have the written plea agreement and advisement completed prior to the case being called on the docket. Defendant shall also complete the Court's Questionnaire Regarding Guilty Plea, which must be provided to the Court with the plea agreement.

At the time that the matter is set for sentencing, counsel shall advise the Court of the time needed for the sentencing. The Court must be advised of those sentencings which are likely to be lengthy or which may require additional security. If the parties intend to submit written statements for the Court's review, they must be provided, if possible, three days before sentencing. All statements shall be addressed to the Court and will not be directed by the witness toward the defendant or by the defendant towards the victim.

### **E. TRIAL RELATED DEADLINES**

**A final pretrial conference has been set for .** Counsel who will try the case must appear at the final pretrial conference. The Court will address any pending motions at the time of the pretrial conference and will set time limits for voir dire, opening statements, and closing

argument. The Court will discuss the jury selection process and the manner in which the jury will be selected, including the number of peremptory challenges and the number of alternate jurors who will be seated for trial.

Three days before the pretrial conference, the People shall file all jury instructions, including a joint statement of the case under Crim. P. 24(a)(2)(iv), a witness list, and an exhibit list.

Under Colo. R. Evid. 615, sequestration of witnesses is ordered for the entire trial (preliminary matters, voir dire, opening statements, evidence, and closing arguments). Counsel shall advise their witnesses of the sequestration order, as well as any other in limine orders or evidentiary issues remaining to be ruled upon.

The trial day generally shall begin at 8:30 a.m. 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 to avoid any waste of trial time.

**SO ORDERED** this            day of            , 2020.

BY THE COURT:

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JUAN G. VILLASEÑOR  
District Court Judge