

County of Pueblo, State of Colorado, Tenth Judicial District

Administrative Order – Permission to Direct File

18-04

Colorado law provides several procedural mechanisms for the filing of a felony criminal charge with the court. For example, the prosecuting attorney may file a felony complaint in the county court, pursuant to Crim.P. 4(a); the grand jury may present an indictment in the district court under Crim. P. 6.6, with said presentment occurring through the entire grand jury, the grand jury foreperson, or the prosecutor acting under the direction of the grand jury; or the district attorney may direct-file an information in the district court under Crim.P. 7.

Under Crim.P. 7, the prosecutor must obtain consent of the court having trial jurisdiction over the felony charge(s) to direct-file an information in the district court when certain circumstances exist. One such circumstance requiring the court's consent for filing involves the prosecutor filing an information directly in the district court when a felony complaint has not previously been filed in the county court. Crim.P. 7(c)(1). The practice of the Pueblo County District Attorney's Office over the course of the past several decades is to direct-file a felony complaint and information in the district court for all felony cases, other than those involving an indictment presented by the grand jury, rather than filing a felony complaint in the county court.

This administrative order grants the prosecution consent of the court having trial jurisdiction to direct-file a felony complaint and information in the district court under Crim.P. 7(c)(1), without the need to request court consent for each individual case. This consent only applies to situations in which a felony complaint was not previously filed in the county court, and none of the other circumstances set forth in Crim.P. 7 apply. The court's consent to the prosecution to direct-file a felony complaint and information in the district court contained in this order does not limit or preclude the defendant from raising in the district court any challenges under federal or state law as to the sufficiency, applicability, or validity of the felony complaint and information, or any other requests for relief presently existing under federal or state law.

Done this 12th day of September, 2018.



Chief Judge

cc: District Attorney