

County Court, Adams County, Colorado Court Address: 1100 Judicial Center Drive Brighton, Colorado 80160	COURT USE ONLY
The People of the State of Colorado v. Defendant	
STANDING PRETRIAL and TRIAL ORDER	

Welcome to Division 2 of the Adams County Court. The instant Pretrial Order is intended to assist all parties in understanding general court procedures and preparing for court appearances.

Counsel shall treat each other with professionalism and respect. Language used in all communications shall be business-like and courteous. There shall be no threats of physical action, and no name calling. Counsel shall attend to their respective duties regarding conferral in good faith.

APPLICABILITY

This Pretrial Order (“Order”) applies to all cases in Division 2 of the Adams County Court.

DISPOSITION, MOTIONS, STATUS CONFERENCE, AND JURY TRIAL

1. Dispositions/Dispo

At the dispo hearing one of the following will occur: a) a guilty plea will be entered, b) a not guilty plea will enter and the matter set for motions, status conference and trial, or c) for good cause the matter will be continued to another dispo hearing.

If a guilty plea is entered at this hearing, the matte will proceed to sentencing – either immediately or at another scheduled time in accordance with the Victim’s Right Act.

2. Motions

Once a not guilty plea is entered all motions must be filed 35 days from the date of the entry of the not guilty plea.

3. Status Conference

Status Conferences will take place Wednesday before the Tuesday trials and Friday before the Thursday trials. The parties will let the court know whether the matter will proceed to jury trial or not, approximate number of witnesses, request for interpreters, ADA accommodations, and any other pertinent trial issues. Additionally, counsel is to inform the Court if any anticipated witness or participant in the trial has a pronoun preference.

Motions in Limine are due **7 days before** the Status Conference.

4. Jury Trial

All parties are expected to appear for the trial date prepared and on time. The Trial Call will begin at 8:15 am.

DISCOVERY

Rule 16 of the Colorado Rules of Criminal Procedure (“Crim. P. 16”) is **self-executing and binding** on all parties. **NO WRITTEN DISCOVERY MOTIONS WILL BE ACCEPTED.** All discovery disputes, including allegations of destruction of evidence, will be addressed by the court via a discovery hearing. The purpose of this procedure is to ensure expedited resolution of discovery disputes.

The following discovery dispute procedures will be in effect in this case:

- a) If there is a discovery dispute, counsel is required to confer in a meaningful and good faith way to try to resolve before notifying the Court. The court will not address any dispute until the parties have conferred.
- b) If counsel cannot resolve the dispute, they shall contact Division 2’s clerk during business hours to set a hearing date.
- c) The Court orders the prosecution to provide notice of its intent to introduce evidence pursuant to Colorado Rules of Evidence 404(b).

Failure to adhere to disclosure requirements, including insufficient or untimely disclosure of statements, documents, or opinions, is a potential violation of Crim. P. 16. Similarly, delaying discovery until the eve of deadlines is a potential violation of Crim. P. 16.

RECEIPROCAL DISCOVERY

In all cases in which a plea of not guilty is entered, the Court, **in its discretion**, orders reciprocal discovery pursuant to Crim. P. 16. ***The Court specifically orders the disclosure of medical and scientific reports or statements as set forth in Crim. P. 16 Parts I(d)(3) and II(b)(1).*** The underlying facts or data supporting such opinion testimony shall also be disclosed pursuant to Crim. P. 16 Part II(b)(2). If an expert report has not been prepared, the party calling that expert shall provide a written summary of the testimony describing the witness’s opinions and the bases and reasons therefore,

including results of physical or mental examinations and of scientific test, experiments, or comparisons. All disclosures pursuant to Crim. P. 16 part II (a) – (d) shall be completed no later than **35 days** before trial. Should medical or scientific reports or statements be introduced at an evidentiary hearing, the disclosures required by Crim. P. 16 Part I and II and this Order shall be completed no less than **14 days** before the hearing.

JURY INSTRUCTIONS

The District Attorney shall prepare an original of all stock instructions for the Court and email the instructions to the clerk at Monique.choa-garcia@judicial.state.co.us and opposing counsel by **5:00 pm** one (1) day before trial.

Defense Counsel shall prepare an original of all special instructions including those relating to any proposed lesser included and non-included offenses, affirmative defenses and any proposed theory of the case. Except for defendant's proposed theory of the cases (due at close of People's case in chief), defendant shall submit his or her instructions by **5:00 pm** to the above email as well as to opposing counsel.

All non-stock instructions shall contain a copy of the relevant authority or case cite upon which the party tendering the special instruction relies on.

EXHIBITS

All exhibits shall be pre-marked before trial. People's exhibits shall be marked in numerical sequence. Defendant's exhibits shall be marked in alphabetical sequence. Parties shall not mix numbers and letters, even for related exhibits (i.e 1a, 1b, etc). If there are more than 26 exhibits for the defendant, exhibits shall be marked as AA, BB, CC, etc.

Defense counsel is ordered to view opposing counsel's exhibits before trial. Trial will not be interrupted for examination of exhibits.

WITNESSES

On the first day of trial, the parties shall tender to the Court a typewritten list or the parties can email the list to the clerk at the above address. Counsel must inform the court if a witness has a pronoun preference and place phonetic spellings of the name so that the Court can properly pronounce the names.

VOIR DIRE

The Court will go through the normal "court" voir dire pursuant to C.R.S. §13-7-1105 and Crim. P. 24(a)(3). Counsel will be limited to 15 minutes on voir dire unless upon request of counsel before voir dire, the Court deems that additional time will be granted in the best interest of justice.

AUDIO-VISUAL EQUIPMENT

Any party intending to use such equipment is responsible for making the necessary arrangements for the equipment to be setup, tested, and operational before the start of trial and preferably the evening before.

SO ORDERED THIS 3rd day of May, 2022

BY THE COURT



Marques A. Ivey
County Court Judge