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TWENTY-SECOND JUDICIAL DISTRICT, STATE OF COLORADO

SANDRA D. WEAVER
CLERK

ADMINISTRATIVE ORDER 98-3

DISPOSITIONAL HEARING PROCEDURE

Senate Bill 98-008 has eliminated preliminary hearings in Class 4, 5, and 6 Felonies committed after July 1, 1998, except for those which require mandatory sentencing or which are crimes of violence as defined in C.R.S. 16-11-309 or which are sexual offenses under C.R.S. 18-3-401, *et seq.* or for which the defendant remains in custody. In those cases no longer subject to a preliminary hearing, the defendant must participate in a dispositional hearing for the purposes of case evaluation and potential resolution.

The Chief Justice of the Colorado Supreme Court is to promulgate rules for the conduct of the dispositional hearing. Until that has occurred, the following procedures shall be followed in this district in all Class 4, 5, and 6 Felony cases.

IT IS ORDERED:

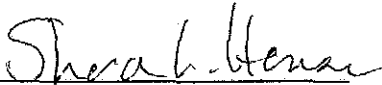
1. All felony complaints will be filed in county court.
2. The District Attorney is to place a note on the face sheet of Class 4, 5, or 6 felony complaints, that requires a preliminary hearing, that the case involves "mandatory sentence" or "crime of violence" or "sexual offense".
3. If the defendant is not in custody at the time the complaint is filed, a dispositional hearing will be set in county court within 20 to 30 days.
4. If the defendant is in custody at the time the complaint is filed, a preliminary hearing will be set in county court within 30 days. If the defendant is subsequently released from custody prior to the preliminary hearing date, the District Attorney will file a motion to vacate the preliminary hearing. In such case, the scheduled preliminary hearing will be utilized for dispositional hearing.
5. The District Attorney, defense attorney, and the defendant must be present at the dispositional hearing. The parties are to engage in reasonable efforts to evaluate and resolve the case. The District attorney is to obtain victim and/or law enforcement input regarding case resolution prior to the dispositional hearing.

6. Following the dispositional hearing:

If the case is to be resolved as a misdemeanor, the plea will then be entered in county court.
If the case is to be resolved as a felony, or if no resolution is reached, the case will be bound over to the district court for arraignment.

Dated: September 14, 1998

BY THE COURT:


Sharon L. Hansen
Sharon L. Hansen
Chief Judge

xc: Honorable Christopher Leroi
Honorable Judge Johnson
All Clerks in Montezuma and Dolores District and County Courts
District Attorney
Public Defender
District Administrator
Defense Attorneys

JH 9/15/98