

THE 22nd JUDICIAL DISTRICT: DOLORES AND MONTEZUMA COUNTIES

ADMINISTRATIVE ORDER 2014-3

CONCERNING SERVICE OF PLEADINGS IN RESTITUTION PROCEEDINGS
IN CRIMINAL CASES

Whereas a question has arisen concerning whether the District Attorney should serve copies of motions in restitution proceedings on defense counsel, and in particular the Public Defender, or upon the individual defendants, and

Whereas proper notice for restitution issues remains an issue because of confusion concerning whether or not the Public Defender continues to represent defendants after sentencing and

Whereas different judges within the 22nd Judicial District have required service upon the Public Defender or the defendant leading to confusion for all parties, and

Whereas the 22nd Judicial District should have a uniform policy concerning service of restitution requests, and

Whereas, Crim. P. 44 (e) provides in part:

(e) Termination of Representation.


(1) Unless otherwise directed by the trial court or extended by an agreement between counsel and a defendant, counsel's representation of a defendant, whether retained or appointed, shall terminate at the conclusion of trial court proceedings and after a final determination of restitution. Trial court proceedings shall conclude at the point in time:

- (I) When dismissal is granted by the court and no timely appeal has been filed;
- (II) When an order enters granting a deferred prosecution, deferred sentence, or probation;
- (III) After a sentence to incarceration is imposed upon conviction when no motion has been timely filed pursuant to Crim.P. 35(b) or such motion so filed is ruled on; or
- (IV) When a notice of appeal is filed by the defendant.

IT IS THEREFORE THE ORDER OF THE CHIEF JUDGE OF THE 22ND JUDICIAL DISTRICT THAT;

Unless the Court has previously granted a Motion to withdraw from representation, any request or motion for restitution shall be served upon counsel of record as of the date of the sentencing including any request or amended motion filed after the date of the sentencing.

SO ORDERED on August 12, 2014,



Douglas S. Walker
Chief Judge, 22nd Judicial District