

MONTEZUMA COUNTY COURT ORDER REGARDING IN-PERSON AND VIDEO APPEARANCES

Appearances in Montezuma County Court must comply with the requirements set forth in this order. All persons are encouraged to follow this order immediately. All persons are required to follow this order starting January 3, 2022.

The prosecutor, defense counsel and defendants may appear via interactive video device in county court without seeking advance permission by motion for any pretrial conferences as well as any appearances set forth in Rule 43(e)(2) which include: (I) first appearances, (II) filing of charges, or setting preliminary hearing, (III) Bail hearings, (V) waivers of preliminary hearing, (VI) restitution hearings, (VII) appeal bond hearings, (VIII) Crim.P. 35(B) hearings as well any pretrial conferences.

The prosecutor, defense counsel and defendants may appear via interactive video device in county court without seeking advance permission by motion for those proceedings identified in Crim.P.43(e)(2)(IV), which include: entry of plea, associated sentencing or probation violation hearings, that are not included within those offenses enumerated in C.R.S. 24-4.1-302(I) or any interstate compact probation violation revocation proceedings. However, in keeping with Crim.P.43(e)(3)(IV) the defendant must first file with the court a written notice indicating that the defendant is aware of the rights set forth in Crim.P.43(e)(3)(IV) and, being fully aware of those rights, consents to appear by video. During the presently ongoing public health crisis, this consent may be provided verbally in accordance with Crim.P.43(f). Persons may consult the U.S. Department of Health and Human Services web site at : <https://www.phe.gov/emergency/news/healthactions/phe/Pages/COVID-15Oct21.aspx> to ascertain the current status of the public health crisis.

No video appearance will be allowed for any other proceeding, including any type of hearing at which evidence is presented to the court, unless the parties file a written stipulation seven days in advance of the hearing agreeing to the video appearance and setting forth in writing an agreed upon plan for all procedural aspects of the video appearance including exchange of exhibits and witness sequestration. The Court reserves the authority to reject the procedural plan if it calls for resources that the court does not readily have available or that would interfere with due process.

All people must appear in person for all jury trial proceedings.

As long as the court is open for in-person proceedings, no telephone only or audio only appearances will be allowed, except that alleged victims may continue to appear by phone. Any party who attempts to appear by telephone only or audio only will be deemed to have failed to appear. All people who appear by video at any time for any proceeding are responsible for ensuring that they have sufficient bandwidth and other technology to support the video appearance, which includes the live stream video of the person appearing. Any people who do not have adequate technology to do so must appear in person. Defendants who attempt to appear by video without adequate technology resources to support a video appearance will have the setting continued and will be required to appear in person. Any attorney who attempts to appear by video without adequate technology resources, is expected to have made contingency arrangements for alternative coverage and will be required to appear in person for all future appearances until the technology issue is remedied.

Issued: December 16, 2021



Honorable JenniLynn Lawrence
Montezuma County Court Judge