

<p>Denver County Court, City and County of Denver, Colorado</p> <p>Court Address: 520 West Colfax Ave. Denver, CO 80204</p>	<p>COURT USE ONLY</p> <hr/> <p>Case No.</p> <p>Courtroom: 3F</p>
<p>PEOPLE OF THE STATE OF COLORADO,</p> <p>Plaintiff,</p> <p>v.</p> <p>Defendant.</p>	
<p>PRETRIAL ORDER</p>	

Welcome to Courtroom 3F of the Denver County Court. The instant Pretrial Order is intended to assist all parties in understanding general court procedures and preparing for court appearances.

APPLICABILITY

This Pretrial Order (“Order”) applies to all cases in Courtroom 3F of the Denver County Court. The instant Order remains in effect until further Order of the Court.

COMMUNICATION WITH CLERKS OF COURT

Only ministerial matters such as scheduling shall be addressed via electronic mail. All substantive matters shall be addressed on the record and/or upon written motion(s) properly filed with the court.

ACCOMMODATIONS

Requests for accommodations, such as sign language interpreter or ADA accommodations, are encouraged to be made in advance of the hearing so the court can ensure proper access and ability to meaningfully participate in the proceedings. More information regarding ADA accommodations may be found on the Denver County Court webpage at: <https://www.denvercountycourt.org/ada/> You may also contact this court’s clerk regarding ADA accommodations. Please note, advance arrangements are NOT required.

PLEAS

Following a plea of **Guilty**, the court will proceed to (1) immediate sentencing or (2) set the matter over for a sentencing hearing, depending on the nature of the plea and in compliance with the Victim's Rights Act. All parties shall have their affairs in order prior to sentencing.

Following a plea of **Not Guilty** the Court will set three hearing dates: (1) Disposition Hearing (in approximately 30 days), (2) Pretrial Conference, and (3) Jury Trial. Should Motions be filed by the due date (Disposition Hearing), a Dispo/Motions Hearing will be scheduled to take place prior to the Pretrial Conference date.

DISPOSITION, MOTIONS, PRETRIAL CONFERENCE AND JURY TRIAL

1. Disposition Hearing

At the disposition hearing, one of the following will occur: 1) a guilty plea will be entered, 2) motions will be filed and the matter set for a dispo/motions hearing, or 3) the matter will proceed to the pretrial conference and jury trial.

This Disposition Hearing date is the due date for any Motions. Late motions will not be accepted without leave for the late filing. If Motions are filed, an 8:30/1:30 Dispo/Motions hearing will be scheduled to take place prior to the Pretrial Conference date. See Dispo/Motions below for additional information.

If a guilty plea was entered at this Disposition Hearing, the matter will proceed to sentencing – either immediately or at another scheduled time.

2. Dispo/Motions Hearing

The disposition/motions hearing will be set at 8:30 a.m. and 1:30 p.m. on the same date. The parties are ordered to confer prior to the dispo/motions hearing and either party will inform the Court on the morning of the dispo/motions hearing whether the matter will proceed to motions hearing that afternoon.

At the morning hearing, the parties shall be prepared to inform the court of the status of the case (i.e. plea agreement, address non-testimonial motions, withdraw motions, proceed to the PTC and JT dates, or announce ready to proceed to the motions hearing at 1:30).

If the defendant fails to appear in the morning and the parties cannot advise the Court with certainty that the matter will proceed to motions hearing that afternoon, a warrant for the defendant's arrest will be issued, the motions hearing will be vacated and the parties will be permitted to release their witnesses.

If the case proceeds to a disposition/motions hearing or pretrial conference, notices of 404(b), motions in limine, notice & summaries of expert testimony, and reciprocal discovery notices under C.R.C.P. 16, Part I(d)(3) and II(b)-(c) are due **7 days before** the disposition/motions hearing. Notice of Alibi is due 35 days before trial.

3. Pretrial Conference

Pretrial conferences are scheduled the Friday before the jury trial. If the Court is closed the Friday before the trial, the pretrial conference will be scheduled on the Thursday before the trial or the earliest practical date available. At the pretrial conference, the parties will state whether they are proceeding to jury trial as scheduled, approximate number of witnesses, requests for interpreters and the times the interpreter will be needed, ADA accommodations, and any other pertinent trial issues.

4. Jury Trial

All parties are expected to appear for the trial date prepared and on time.

SENTENCING

All parties shall have their affairs in order prior to the date scheduled for sentencing. Sentencing hearing briefs or materials shall be provided to the court in advance of hearing. If a lengthy sentencing hearing is anticipated, counsel must notify the court of such when scheduling the Sentencing Hearing.

DISCOVERY

Rule 16 of the Colorado Rules of Criminal Procedure (“Crim. P. 16”) is self-executing and binding on all parties. 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:

1. If there is a discovery dispute, counsel is required to confer in a meaningful way to try to resolve before notifying the Court.
2. If counsel cannot resolve the dispute, they shall contact a Courtroom 3F clerk during business hours to set a hearing date.

The Court orders the prosecution to provide notice of its intent to introduce evidence pursuant to C.R.E. 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.

EXPERTS

The Court, in its discretion, specifically orders the disclosure of medical and scientific reports or statements as set forth in Crim. P. 16 Part 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 I(d)(3) and Part II(b)(2). The parties are required to endorse all expert witnesses clearly and shall include the expert's area of expertise on the endorsement. The parties shall provide a curriculum vitae for the expert witness along with the expert's report. 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 therefor, including results of physical or mental examinations and of scientific tests, experiments, or comparisons. 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 [dcccourtroom3F@denvercountycourt.org](mailto:dccourtroom3F@denvercountycourt.org), the judge at Michelle.martinez@denvercountycourt.org and opposing counsel, by 5:00 pm one (1) day before trial. The District Attorney shall also prepare all special instructions including those relating to any reasonably foreseeable lesser included offenses and affirmative defenses. 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. With the exception of defendant's proposed theory of case instructions, defendant shall submit his or her instructions including proposed alternatives to the stock COLJI instructions to the clerk, court, and opposing counsel by 5:00 pm the day before trial.

All instructions, including instructions tendered by defense counsel, shall be in Times New Roman 12-point font, double spaced, and contain the heading "INSTRUCTION NO _____". Both parties shall prepare verdict forms as necessary which track the proposed instructions, including verdict forms for lesser or non-included offenses.

The instructions will refer to the defendant as "Mr." or "Ms.", followed by the defendant's last name. Unless otherwise ordered, the parties shall track identically the language in the stock Colorado Jury Instructions. If either party has objections to those stock instructions, those objections and proposed alternative instructions with relevant authority must be filed in writing no less than 5:00 pm one (1) day before trial.

By tendering such instructions, the attorney certifies that:

1. The attorney has personally reviewed and proof-read the instructions and that they conform to the known facts of the case and the applicable law.
2. All necessary changes in form were made to ensure that the instructions are grammatically correct and gender appropriate.

All non-stock instructions shall contain a copy of the relevant authority, including citation(s) of cases, upon which the party tendering the special instruction relies.

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 (e.g. 1(a), 1(b), 1(c), etc.). If there are more than 26 exhibits for the defendant, exhibits shall thereafter be marked as "AA", "BB", "CC", etc.

Defense counsel is ordered to view opposing party's exhibits before trial. Trial will not be interrupted for examination of exhibits. Posters, photography enlargements and large items may be used during trial. However, photographic copies shall be made of the above-mentioned items before trial; alternatively, posters may be prepared in a fashion in which the poster is removable from the poster board and is capable of being folded for storage.

WITNESSES

On the first day of trial, parties shall tender to the Court before the start of trial a typewritten list of the witnesses who are expected to testify (submission of the list of witnesses on the Complaint or Information is not sufficient). It is the obligation of the parties to have witnesses scheduled to prevent any delay in the presentation of testimony.

VOIR DIRE

The Court will ask the jury background and disqualification questions pursuant to C.R.S. § 13-71-105 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 in the interests of justice additional time should be permitted.

AUDIO-VISUAL EQUIPMENT

Any party intending to use courtroom equipment, such as video, audio, movies, slides, or computer presentations, is responsible for making the necessary arrangements for the equipment to be set up, tested, and operational before the start of trial. No modification or rearrangement of the courtroom is permitted without prior approval of the Court.

SO ORDERED this 18th day of September 2020.

BY THE COURT:



Michelle R. Martinez
County Court Judge