
ORDER OF CHIEF JUDGE

COUNTY COURT FELONY PROCEDURE

IT SHALL BE THE ORDER of the Courts of the Seventeenth Judicial District of the State of Colorado that commencing January 2, 2001 County Court judges will accept pleas, conduct sentencing hearings and preside over post-conviction hearings, including Probation Revocation hearings and hearings pursuant to Rule 35, in all felony filings where the most serious crime the defendant pleads guilty to is a Class 4, 5 or 6 felony, or any misdemeanor with the following exceptions:

1. Felony sex offenses pursuant to C.R.S. 18-3-401 et seq. And 18-6-301 et seq.
2. Felony pleas involving the use of a deadly weapon.
3. Felony pleas involving death or serious bodily injury.
4. Felony child abuse, C.R.S. 18-6-401
5. Felony Harassment, 18-9-111
6. Felony pleas involving sentence enhancers, including:
 - a. Mandatory Sentences for Violent Crimes, C.R.S. 16-1-309,
 - b. Statutory Extraordinary Aggravated Felonies, C.R.S. 18-1-105(9).
 - c. Statutory Sentence Enhanced felonies, C.R.S. 18-1-105(9.5).
 - d. Two Prior Felony Rule if not waived, C.R.S. 16-11-201
 - e. Special Offender Drug cases, C.R.S. 18-18-407
7. Any felony which, in the discretion of the County Judge, presents special circumstances, warranting its transfer to the District court, e.g., high publicity cases or multi-case dispositions where the defendant has entered a plea to an excluded felony in the district court.

It is anticipated that the vast majority of felony pleas handled in County Court will be probation cases, and that in many instances, immediate sentencing to probation may be appropriate. If immediate sentencing is to be requested, the District Attorney and defense counsel should be prepared to give to the judge a synopsis of facts of the case, the defendant's prior criminal history and any restitution amounts, names, addresses, etc.

Where practicable, the pleas should be entered in the County Court prior to bind over to the District

Court. The county judge should then either proceed to immediate sentencing if all parties agree and if no victim's rights to be present at sentencing are violated, or the judge may set the matter for a sentencing hearing in the County Court and order a Pre-Sentence Investigation Report. The County Judge, sitting as an acting

District Judge, may impose whatever sentence is permitted by statute. Any Petition to Revoke Probation, Motion for restitution or other post-conviction motion shall be filed in the County Court and all related hearings shall be conducted by the County Judge.

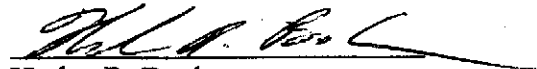
If the case is bound over to the District Court and subsequently there is a plea disposition to any misdemeanor or an eligible Class 4, 5 or 6 felony, the District judge should then either proceed to immediate sentencing, if all parties agree and if no victim's rights to be present at sentencing are violated, or the judge will set the matter for sentencing in the County Court and order a Pre-Sentence Investigative Report. The case will return to the County Court division to which the case was originally assigned, and the County Judge will thereafter handle all matters relating to sentencing, probation revocation proceedings and all other post-conviction matters.

In order to allow the District Court to set these matters into the County Court docket without disruption, each County Court division should submit to the Chief Judge, a schedule indicating what days and times would be convenient to conduct these sentencing hearings.

The Chief Justice has delegated authority for this Order to ~~the~~ Chief Judge of the Seventeenth Judicial District. This Order is necessary to secure the prompt disposition of judicial business to meet 2001 legislative session goals. These goals, adopted by the Judicial Branch, set target times in the District Court of 100% of Criminal, Civil and Domestic cases being completed within 360 days.

Within 365 days of the implementation of this order, the Chief Judge of this Judicial District shall review these procedures to determine whether they should continue and/or what modifications should be made to these procedures.

DONE this 19 of ~~October~~ ^{Nov} 2001 by order of the Court.


Harlan R. Bockman
Chief Judge