

Chief Judge Directive 97-01(A)

STATE OF COLORADO
ELEVENTH JUDICIAL DISTRICT
OFFICE OF THE CHIEF JUDGE

This directive relates to all criminal prosecutions brought in the Eleventh Judicial District, whether felony, misdemeanor, or traffic, where the need arises to have the defendant transported to court from a place where such defendant is incarcerated.

This directive has application whether the person is incarcerated as a pretrial detainee, or pursuant to sentence already imposed.

In all such cases, up through any conviction and sentencing, it is the appropriate function and the responsibility of the District Attorney or Special Prosecutor, having brought such prosecution, to make all arrangements necessary to have the defendant at court when required.

In all such cases where the defendant seeks any form of post trial relief, and is represented by counsel, then it is the appropriate function of defense counsel to make all arrangements necessary to have the defendant at court when required.

It is appropriate that the role of the judicial branch in such cases be limited to issuing such orders or writs as are necessary to require the temporary release of the defendant from the place of their incarceration and their transportation to and from court by the responsible agency. Such orders or writs must be prepared and timely tendered by counsel.

In connection with this issue, the undersigned, as Chief Judge, based upon personal observations in that role, and upon discussions with other judges, reaches the following findings:

1. The clerks of the courts of this judicial district have assumed too great a role in arranging the transport of incarcerated defendants to and from court.
2. This has resulted in limited judicial resources being misapplied to accomplish tasks that are not properly within the function of the judicial branch.
3. Such past practices, if continued, will result in continued confusion regarding proper roles and duties in this area.

IT IS THEREFORE ORDERED as follows:

1. Except as noted in paragraph 2 below, or upon contrary or different directive from a judge, and aside from (a) securing the issuance of orders or writs as aforesaid, and (b) upon inquiry responding thereto in order to confirm settings or continuances, the clerks of court in this judicial district shall not undertake or continue other duties to arrange the presence or return of incarcerated defendants.

2. In those circumstances where the defendant seeks any form of post trial relief, and is not then represented by counsel, it shall be the responsibility of the clerks of court to make arrangements necessary to have the defendant at court when required.

3. THIS DIRECTIVE IS NOT MEANT TO ALTER OR CAUSE DISCONTINUANCE OF THE COMMENDABLE PRACTICE ON THE PART OF SOME LAW ENFORCEMENT AGENCIES TO KEEP TRACK OF SETTINGS AND BRING PRISONERS TO COURT WITHOUT NEED OF ORDER OR WRIT. THE JUDGES VERY MUCH APPRECIATE AND ENCOURAGE SUCH EFFORTS.

4. This directive is effective with regard to all future settings in criminal cases in the Eleventh Judicial District.

Done at Canon City this 3rd day of April, 1997.

John Anderson
Chief Judge
Eleventh Judicial District

CC: Eleventh Judicial District Judges
Walter Blair, District Administrator
Edward Rodgers, District Attorney
Office of the Public Defender, Salida, CO, and Pueblo, CO
Clerks of Court
Division Clerks
Sheriffs of Chaffee, Custer, Fremont, and Park Counties