



**20<sup>TH</sup> JUDICIAL DISTRICT OF COLORADO**

**ADMINISTRATIVE ORDER 16-102**

**SUBJECT: Temporary Appointment of Public Defenders for the Purpose of Representation of Defendants at Bond Hearings and Supporting Documentation**

---

**To: All Judicial Officers, District Administrator, Clerk of Court, Court Staff, District Attorney, Public Defender**

**From: Maria E. Berkenkotter  
Chief Judge, 20<sup>th</sup> Judicial District**

**DATE: April 29, 2016**

---

In *Rothgery v. Gillespie County, Tex*, 128 S. Ct. 2578 (2009), the United States Supreme Court recognized that the Sixth Amendment right to counsel attaches at a defendant's initial appearance in court. In the Twentieth Judicial District, the court may hear argument regarding bond for in-custody defendants at that initial court appearance. In these cases, the court appoints the public defender to represent defendants at the initial bond hearing. The court releases the public defender from representation at the end of the bond hearing unless the public defender finds that the individual qualifies for further representation by the public defender.

In order to adequately defend an individual at an initial appearance it is necessary for the public defender to have any available information that would assist in that effort. The custody report generated by the arresting agency at the time of arrest is an informational document that is available at the time of the bond hearing or before it takes place. On occasion, the custody report contains confidential information. Currently, the arresting agency makes photocopies of the custody reports for the district attorney's office, the court, the jail and the bond commissioner upon the delivery of an arrestee to the jail.

This document shall also be provided to the public defender as it is necessary for the public defender's office to have access to these reports in order to be able to effectively represent defendants at initial bond hearings. The public defender shall treat any confidential information within the custody report as confidential and shall not disclose this information, even to the defendant. If the public defender is released from further representation of the defendant after the bond hearing, the custody report shall be returned to the court and destroyed.

---

Hon. Maria E. Berkenkotter  
Chief Judge  
Twentieth Judicial District