

District Court, Dolores County Combined Courts Court Address: 409 North Main Street PO Box 511 Dove Creek CO 81324	DATE FILED: January 21, 2022 9:30 AM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v.	▲ COURT USE ONLY ▲
Defendant: Ronald J Morosko	Case Number: 21CR11
CRIMINAL JURY TRIAL SCHEDULING ORDER	

Arraignment: 12/14/2021

Motions filing date: 20 days prior to motions hearing

Motions Hearing: 03/07/2022

Pre-Trial Readiness: 04/19/2022

Jury Trial: 05/16/2022

Jury instructions/statement of the case due: by the Friday before the trial date

Disposition cut-off date: 14 days prior to trial.

The above captioned case is set for jury trial on **May 16, 2022** in Dolores County Combined Courts, 409 N Main Street Dove Creek, Colorado for 5 days. Trial commences at 8:00 a.m. and Attorneys and Defendant must be present by that time. The pre-trial readiness hearing is set **April 19, 2022** in Cortez, CO at the District Court. *No disposition will be accepted after the disposition cut-off date without good cause.*

MOTIONS

- Motions must be filed by the date listed above.
- Defense Motions shall be **numbered (i.e. D-1)** and People’s Motions shall be marked **alphabetically** (i.e. P-A). Orders shall also be marked as above as soon as filed.
- Either party may request the setting of a Motion or Omnibus Hearing.
- Trial motions, such a motion in limine, must be filed one week before trial.
- No Motion to preserve evidence will be ruled upon unless special circumstances require a ruling. The District Attorney and law enforcement are ordered to preserve any evidence which is or could reasonably lead to exculpatory evidence. The Defendant may send a written demand to preserve evidence to the District Attorney at any time during this case. The demand should list any specific evidence which the Defendant wishes to have preserved. Once the demand is delivered to the District Attorney’s Office, law enforcement and the district attorney will be under a continuing duty to preserve and make available for inspection such identified evidence. If the person to whom the Motion to preserve evidence is directed (usually the District Attorney) fails to respond to any motion filed under this provision within 18 days of the date of mailing or delivery of the motion, the Motion will be granted.

DISCOVERY

- The Court requires disclosures by both parties pursuant to Crim. P. Rule 16.
- No Motion for discovery or for identification of experts will be filed unless it requests items not mandated by Crim. Pro 16. Any discovery Motion shall specifically describe what is not being produced or what is sought with as much particularity as possible. The movant will not file such a motion until they have attempted to resolve the issue informally with the other party. Any discovery motion filed will include a certification that the movant has attempted in good faith to resolve the issue with the other party informally prior to filing the Motion. If the person from whom discovery is sought fails to respond to any motion filed under this provision within 21 days of the date of mailing or delivery of the motion, the Motion will be granted.

TRANSCRIPTS:

- Late requests for transcripts of preliminary hearing, etc., **shall not** be a cause for continuance.

WITNESS LISTS - WRITTEN JURY INSTRUCTIONS- EXHIBIT LISTS AND STATEMENT OF THE CASE:

- Counsel must prepare and submit to the Court the jury instructions and a good faith witness list **no later than 7 days prior to trial.**
- Jury Instructions shall be e-filed using the WORD format.
- People's exhibits will be marked **numerically.** Defense exhibits will be marked **alphabetically.**
- The Court is willing to read a statement of the case to the potential jurors, during voir dire. If either Counsel has a statement of the case that they wish for the Court to read during voir dire, they must file a copy by 5:00 p.m. on the Friday prior to trial. In the absence of statement of the case from the prosecution, the Court will simply read the charges. In the absence of statement of the case from the Defendant, the Court will explain that the Defendant has entered a guilty plea.

JUROR NOTEBOOKS

Members of the Jury will be given Juror Notebooks when they are sworn as trial jurors, which will include:

1. Letter from Chief Justice of Colorado Supreme Court,
2. A copy of preliminary jury instructions.
3. A pad of paper to take notes
4. Juror question forms

Counsel may provide additional items for inclusion after receiving permission from the Court. Counsel are responsible for preparing any items not specifically listed above and assembling the notebooks if there is to be anything what is listed above, at least 2 business days prior to trial.

JURY SELECTION

The Court will use the following method to select a jury:

After general remarks and questions from the Court, the Clerk will call a number of jurors to the jury box and well which equals 12 plus the number of alternates to be used in the trial, plus the number of possible peremptory challenges for both sides. In a case involving 1 alternate and 6 peremptory challenges for each side, this would be 25 people. The potential jurors called will fill in the seats in the jury box area in the order they are called.

The judge and counsel will then proceed with voir dire. Challenges for cause should be exercised as soon as counsel believes they can make them and should not be held to the end of voir dire.

Once the jury has been passed for cause, the Court's judicial assistant will provide a seating chart showing the name of each juror and which numbered seat they are in. Counsel for the prosecution will exercise the first peremptory by marking a line through that juror's name and listing the juror's name in the area of the chart indicating which peremptory challenges are made by the people. The prosecution will then pass the chart to counsel for the Defendant or the Defendant (if not represented) who will then excuse the next juror in a like manner, including writing the name of the excused juror in the appropriate place. The People and the Defendant will continue alternating peremptory challenges. Once all of the peremptory challenges have been made, the jury will then be left with 12 plus the appropriate number of alternates. The jurors will then be moved into the jury box in the same order they are seated in. The juror who thus ends up in the alternate juror seat will be the alternate or alternates. If one side chooses not to use all their peremptory challenges, the other will then proceed to use as many as they wish of their allowed peremptory challenges as remain. If the parties do not use all of their peremptory challenges, the jurors seated in the lowest number seats on the seating chart will become the jurors and those jurors seated in the numbered seats above the number needed to compose the 12-member jury and the number of alternates previously chosen will be released.

If an alternate juror or jurors are to be seated, the Defendant will pick a number or numbers between 1 and 13 (or the total number of jurors and alternates if more than 13) prior to jury selection. The juror who ends up in the numbered seat on the Court's seating chart, after voir dire and exercise of all challenges will become the alternate. The jurors will not be told which seat the alternate juror's seat is.

ELECTRONIC EXHIBITS

The Court expects that any exhibit that can be shown electronically, will be shown electronically using counsel's computer and the Court's display system. Counsel who have not previously used the system must make an appointment with the Clerk of the Court or the Court's CJA to come to court, prior to the day of trial to learn the system and to check their computer settings etc.

SEQUESTRATION

There is a standing order of sequestration of witnesses, pursuant to CRE. 615 in all criminal trials. It is the responsibility of counsel to advise witnesses of this order.

SO ORDERED this 21st day of January 2022.

By the Court:

s/ Todd J Plewe
District Court Judge