Directive 02-03

SUPREME COURT OF COLORADO
Office of the Chief Justice

Concerning Use Of Interactive Audio Visual Devices In the Eighteenth Judicial District

This directive is adopted to achieve the objective of implementation of the use of interactive audiovisual devices in court proceedings. To date, Criminal Rule of Procedure 43 allowed for the use of such devices in advisements, bail hearings, and settings. Since the adoption of the Rule, significant technological advancements have been made in these devices which justify an assessment of the expansion of their use to other proceedings.

This directive is intended to provide an exception to Crim. P. 43 to allow Courts in the 18th Judicial District to conduct providency hearings, associated sentencing hearings and other hearings in misdemeanor cases through the use of an interactive audiovisual system. The Court intends to review the 18th Judicial District's use of the system after one year.

(I) Notwithstanding Crim. P. 43, the 18th Judicial District may conduct providency hearings, associated sentencing hearings, and other hearings in misdemeanor cases through the use of an interactive audiovisual device.

(II) If defense counsel appears, such appearance shall be at the same physical location as the defendant if so requested by defense counsel. If defense counsel does not appear in the same location as the defendant, a separate confidential communication line, such as a phone line, shall be provided to allow for communication between the defendant and counsel.

(III) Such hearings may only be conducted with the consent of the defendant. The Court shall advise a defendant of the following prior to obtaining a defendant's consent:

a. The Defendant has the right to appear in person and will not be prejudiced if he chooses to do so.
b. The Defendant should not feel pressured by jail or prison authorities to conduct the proceedings by audio visual device.

(IV) The interactive audio visual system shall include the ability to electronically transfer documents between the defendant and the Court.

Done this 18TH day of October, 2002.

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Mary J. Mullarkey, Chief Justice