



SEVENTEENTH JUDICIAL DISTRICT

ADAMS COUNTY AND THE CITY AND COUNTY OF BROOMFIELD

ADMINISTRATIVE ORDER OF THE CHIEF JUDGE

2015-08

Public Defender's Appearance at Initial Bond Hearing

In order to ensure equitable administration of justice, consistent across the Denver-Metro area, the Public Defender's Office will be allowed to represent defendants at their initial bond setting while they are in custody. These defendants are entitled to representation by the Public Defender's Office because they are incarcerated, and therefore the only issue to be addressed is *when* the Public Defender may enter their appearance.

It is clear under *Rothgery* that the right to counsel attaches at the initial appearance. *Rothgery v. Gillespie Cnty*, 554 U.S. 191 (2008). Further, the interpretation of *Rothgery* by the Colorado Court of Appeals in *Roberts* holds that counsel must be appointed within a reasonable time after this initial appearance. *People v. Roberts*, 321 P.3d 581 (Colo. App. 2013). The *Roberts* holding is not inconsistent with the Public Defender's appearance at the bond setting during the initial appearance.

Additionally, the Victim Rights Act is not implicated by the appearance of the Public Defender at this bond setting because this hearing is specifically exempted in the statute. C.R.S. § 24-4.1-302(2)(c)(II)(A) (The initial bond setting "shall not constitute a bond reduction or modification ... whether set by the court at the first appearance or by another entity authorized to do so by the court prior to the first appearance").

Accordingly, it is in the best interest of justice that the Office of the Public Defender be permitted to represent incarcerated defendants at the initial bond setting.

Since this new policy will require the coordinated efforts of the District Attorney's Office, the Public Defender's Office, the Sheriff's Department, the Broomfield Police Department and the Court staff, this policy will commence on December 1, 2015.

EFFECTIVE this 19th day of November, 2015.

By the COURT

PATRICK T. MURPHY
Chief Judge
Seventeenth Judicial District