

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**PILOT PROGRAM TO IMPLEMENT  
A TERM OF COURT IN DURANGO  
PILOT PROJECT PROTOCOL (CORRECTED)**

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**On May 9, 2013, the Court adopted a Pilot Program which directed the implementation of a Term of Court in Durango, Colorado. The Pilot Program provides that a United States District Judge for the District of Colorado shall sit in Durango, Colorado, every other month for the time reasonably necessary to conduct any trial, hearing, or other proceeding scheduled in Durango, Colorado, for that term of court. It further provides that a rotating schedule for participating district judges shall be established by the Chief Judge.**

**The Court adopts the following protocol to guide the Pilot Program. This protocol is intended to facilitate prompt hearings and trials in Durango criminal cases in Durango rather than in Denver.**

**Designation of Durango Cases**

Any criminal case for which the initial appearance is held in Durango will initially be assigned to Magistrate Judge West.

At the first appearance hearing, if the defendant qualifies for appointment of counsel (and the FPD is not conflicted out of the case), Magistrate Judge West will appoint both the FPD and local CJA counsel to represent the defendant.

At the arraignment/discovery/detention hearing, Magistrate Judge West will determine whether the case will be designated as a “Durango Case” or a “Denver case”. Such designation will be based upon appropriate factors including but not limited to the parties’ preference, location of witnesses, evidence, trial practicalities, etc.

If designated as a Durango case, a detained Defendant will remain in Durango and all hearings/trial presumptively will be held in Durango. The Federal Public Defender will confer with the appointed CJA counsel to determine who will attend hearings and consult with the Defendant.

If designated as a Denver case, the case will be assigned by random draw to an Art. III judge, any detained Defendant will be transported to Denver, locally appointed CJA counsel will withdraw, new counsel will be appointed as necessary and all hearings/trial presumptively will be held in Denver.

## **Trial Settings and Assignment of Durango Cases**

The Chief Judge will set bimonthly weeklong terms of court in Durango to be designated as a “Durango Term Week”. On rotation, each active Article III judge will preside during a Durango Term Week. The designated Durango Term Weeks will be published on the Court’s website, but the anticipated presiding judge will not be disclosed. The rotation schedule for the active Article III judges will be posted in CEO under the “Durango PP” tab.

At the arraignment/discovery/detention hearing, Magistrate Judge West will set the case for trial on a Durango Term Week. In doing so, he is authorized to determine any motion for exclusion of time under the Speedy Trial Act. (If the case cannot be set on a Durango Term Week in conformance with the Speedy Trial Act and the parties do not consent to Magistrate Judge West’s determination of a motion for exclusion of time under the Speedy Trial Act to effect such a setting, then the case shall be designated as a Denver Case.)

A Durango case will be assigned to the Article III judge presiding during the Durango Term Week during which the trial is initially set. The case will be flagged in CM/ECF as: “DUR PP”. The case will appear on the assigned Article III Judge’s CEO calendar and will be manually entered onto the Durango Pilot Program calendar in CEO. Magistrate Judge West will be added as the referral judge on DUR PP cases.

Settings for hearings and trials in civil matters should be scheduled in accordance with the availability of the Durango courtroom and without conflict with criminal matters set during the Durango Term Week.

## **Pretrial Administration of Durango Cases**

**Pretrial Scheduling and Determination of Pretrial Motions:** On reference by the assigned Art. III Judge, Magistrate Judge West may set pretrial deadlines, and hear and make recommendations as to any pretrial motion.

**Changes in Plea:** With the consent of the parties, Magistrate Judge West may receive a plea and give appropriate advisements in accordance with Fed.R.CrimP 11, and shall make a recommendation as to whether the plea should be accepted. Such recommendation shall be considered at the time of sentencing. At the Rule 11 hearing, Magistrate Judge West shall schedule a sentencing hearing during a Durango Term Week. If the parties do not consent to Magistrate Judge West conducting the Rule 11 hearing, it shall be set during a Durango Term Week or upon order of the Art. III Judge may be conducted remotely from Denver.

**Sentencing:** Sentencing hearings presumptively will be conducted in Durango, but upon consent of the parties and order of the Art. III Judge may be conducted by remote connection to Denver. Without order of the Chief Judge, a case may be transferred for sentencing by agreement between the assigned Article III Judge and the Article III

Judge presiding during the Durango Term Week during which the sentencing hearing has been set.

**Supervised Release Compliance and Revocation Hearings:** On reference by the assigned Art. III Judge, Magistrate Judge West may conduct a compliance review and/or revocation hearing in a supervised release proceeding.

### **Logistical Issues**

For non-evidentiary hearings conducted in Durango, the FTR Gold system will be used and no Denver courtroom deputy (CRD) support will be provided. For evidentiary hearings conducted in Durango either the FTR Gold system and/or remote court reporting (the court reporter sitting in Denver, observing via video teleconference) will be used, and at the presiding Judge's discretion CRD support from Denver will be provided. At the discretion of the presiding judge, during trials, remote court reporting, local court reporter services, or a court reporter traveling from Denver may be used. Similarly, the presiding judge may assess the need for CRD assistance.

Video teleconference needs must be communicated to the Court's IT Department at least two weeks prior to any hearing in order to allow for testing, potential issue resolution, and scheduling conflicts. Notification shall include dates, times, parties attending and point of contact information, if applicable.

### **Durango Term of Court Dates**

October 7-11, 2013  
December 9-13, 2013  
February 10-14, 2014  
April 7-11, 2014  
June 9-13, 2014  
August 11-15, 2014  
October 6-10, 2014

Changes to the assignments above may be made, as necessary, upon request from the assigned judicial officer to the Chief Judge.

Dated at Denver, Colorado this 28th day of October, 2013.

**BY THE COURT:**



Marcia S. Krieger  
Chief United States District Judge