

Durango and Grand Junction Protocol –October 2017

Designation of Durango and Grand Junction Cases

The resident, part-time magistrate judges assigned to Durango and Grand Junction shall preside over all criminal cases where the initial appearance is held in their respective location.

At the initial appearance and on a finding that the defendant qualifies for appointment of counsel, the magistrate judge shall appoint counsel consistent with 18 U.S.C. 3006A. In cases where the magistrate judge appoints the Office of the Federal Public Defender, the magistrate judge may also appoint, temporarily, local counsel from the CJA panel to assist the Office of the Federal Public Defender to facilitate timely detention and preliminary hearings and arraignments. In those matters, unless the Office of the Public Defender identifies a conflict, the appointment of the local CJA counsel shall terminate on completion of the latter of the arraignment, discovery conference, or detention proceedings.

At the arraignment/discovery/detention hearing, the magistrate judge may designate a case as a “Durango” or “Grand Junction” case based upon findings that the defendant, witnesses, or events surrounding the allegations are tied to the respective community in and around the Durango and Grand Junction, Colorado areas. For Durango cases, this includes allegations arising out of the Ute Mountain Ute and Southern Ute Indian Reservations.

Trial Settings and Assignments of Durango and Grand Junction Cases

In a case designated as either a Durango or Grand Junction case, a detained defendant shall be held in that respective area and presumptively, all hearings/trial shall be held in that respective location.

New felony cases designated as either Durango or Grand Junction cases shall be assigned to a district judge designated by the Chief Judge to preside over all cases in that respective location for a period of one year. All case numbers shall identify the assigned district judge. Durango cases will be scheduled for the second week of the months of February, April, June, August, October, and December of each year. Grand Junction cases will be scheduled for the first week of the months of January, March, May, July, September, and November of each year. Proceedings in all Durango and Grand Junction cases shall be scheduled on the calendar of the designated district judge.

If a case is not designated as a Durango or Grand Junction case, the case shall be assigned by random draw to a district judge; any detained defendant shall be transported to Denver; locally appointed CJA counsel shall withdraw; new counsel shall be appointed as necessary; and presumptively, all hearings/trial shall be held in Denver.

In prosecutions of Class A misdemeanors, cases shall be assigned to a district judge unless the defendant consents to proceed before the magistrate judge.

Pretrial Administration of Durango and Grand Junction Cases

With the express written consent of the government and the defendant (using the form found [HERE](#)), and on referral for recommendation by the designated district judge, the magistrate judges in Durango and Grand Junction may accept a plea of guilty or nolo contendere in a felony case and conduct a corresponding advisement under Fed. R. Crim. 11. Unless otherwise ordered, the consent form shall be filed no later than seven days after the Notice of Disposition is filed; concurrently the parties shall schedule the Change of Plea hearing on the calendar of the appropriate magistrate judge.

Following the Change of Plea hearing, the magistrate judge shall make a recommendation to the designated district judge about whether the plea of guilty should be accepted. This recommendation may be docketed by minute order.

On reference by the designated district judge, the magistrate judges in Durango and Grand Junction may conduct hearings and make recommendations as to any pretrial motion and may conduct probation or supervised release compliance review hearings and violation hearings solely to determine whether a violation occurred. The magistrate judges in Durango and Grand Junction may exercise the duties provided in D.COLO.LCrR 57.1.

Logistical Issues

When reasonably available in Durango or Grand Junction as applicable, the Court will make the necessary arrangements to provide a federally certified court interpreter for all proceedings requiring interpretation from a foreign language to English. When a federally certified interpreter is not reasonably available, arrangements will be made to provide an otherwise qualified interpreter.

APPROVED BY THE COURT in Denver, Colorado on the 4th day of October 2017.