

Procedural Order: Out-of-State Defendants and/or Attorneys

Comes now the Court and issues a procedural order regarding appearances by out of state defendants and/or their attorneys.

The Court recognizes the need to avoid continuances, if at all possible, since the Court's docket is every other month.

The Court also recognizes the need for out of state individuals, and/or their attorneys to appear virtually in order to reduce the need to continue cases.

In order to achieve these goals, the Court, at the suggestion of the City Prosecutor, has agreed to establish a "zoom docket" to be utilized for remote appearances.

In order to qualify for appearance on a "zoom" or remote docket, the defendant must:

- First be an out of state resident who cannot reasonably appear in person; or
 - that defendant's Attorney of Record who may not practice locally (within the Kiowa, Elbert or Lincoln County area).
- Further, in order to qualify, the defendant has to be charged with a traffic infraction or traffic offense.
- Finally, a qualifying attorney who requests a remote appearance, must have previously filed an Entry of Appearance with the court, and a waiver of personal appearance.

If the above qualifying events are established, the Court will automatically authorize a "zoom appearance.

Such a "Zoom" docket consisting of the above described individuals will occur at 9:00 A.M on the court's regular docket. The Court clerk is instructed to send out an invitation email the day before to either the qualifying defendant, his attorney, or both, with a link to the Town's Zoom webpage.

This standing order will only apply, at this time, to traffic offenders. Any defendant facing criminal charges, or a violation of the Town's "Code", or nuisance ordinances, or animal violations, must presumptively appear in court, unless good cause is shown to the Court for the need for a remote appearance.

The Court will consider those requests on a case by case basis.

In the event either a defendant, or his/her attorney, requests a continuance after being offered an appearance on the "zoom" docket, such a request will be considered on a case by case basis by the Court utilizing the "good cause" standard.

By the Court this 8th day of July, 2024

/s/ Stephen Jones, Presiding Judge

Town of Simla