**Attorney Remote Disposition Instructions**

**Communication on all Attorney Remote Disposition Requests MUST come *solely* from the attorney and/or their firm.**

**Communication cannot come directly from the defendant, and prosecution staff will not**

**respond in any way to any communication from represented clients.**

**Eligible Cases:**

* Remote Disposition Processes are only available for **traffic** cases at this time. In addition, the City Attorney’s Office- Prosecution Division reserves the right to reject a remote disposition for any reason. If that occurs, you will be notified via email.

**Response Time:**

* If you do not allow at least a week in advance of your pretrial conference for a response, your case may not be handled via the remote disposition process, *and you will still be required to attend your previously scheduled court date.*

**Discovery:**

* The discovery process has not been changed or altered in any manner by this process or an attorney remote disposition request.
* You must request discovery as per prior procedures: You may request discovery remotely via the form contained on <https://coloradosprings.gov/city-attorney-chief-legal-officer/webform/request-discovery>
* Any requests for discovery contained in the Attorney Remote Disposition Form **WILL NOT** be honored. You MUST request discovery as per normal procedures.

**Previously Scheduled Court Dates:**

* Defense Counsel is responsible for managing previously scheduled and required court appearances by either requesting a continuance remotely or appearing in person to handle the case. If the Defendant and Defense Attorney fail to appear for any scheduled court date, a warrant may be issued. No stay of execution will be entered for any warrants pursuant to this procedure.
* In order to reschedule the next appearance for your client, you may elect the appropriate option on the Remote Disposition Request Form. It will be the *responsibility of Defense Counsel* to follow up with contacting the Municipal Court and providing the required paperwork to reset the court appearance. You may also request a further continuance via the process described below.

**Continuances:**

* If you need a continuance of a Pre-Trial Conference in order to engage in further negotiations or for your client to complete any required traffic classes, you must request a continuance from the prosecution. The Prosecutor will email you a continuance form and you must sign it, submit it to the Court at municipalcourtviolations@coloradosprings.gov and call the Violations Bureau at (719)-385-5928 to reset your court appearance. You will need to sign and return a setting sheet to complete this process.
* Any continuances *must include a waiver and tolling of speedy trial.* You, as defense attorney, will be responsible for rescheduling any court dates in coordination with the court.

**Remote Pre-Trial Conference Process- With In-Person Entry of Plea**

* If you wish to engage in a remote pretrial conference with the prosecutor to agree upon a plea without your appearance at a pretrial conference please do the following:
	1. Submit the “Remote Disposition Request Form” on coloradosprings.gov/municipal-court.
		+ You must attach a copy of your entry of appearance for the matter (unless you are already attorney of record in the case).
		+ Elect to appear in person for the entry of plea.
		+ You must reset your pretrial conference in coordination with the court if the next scheduled court appearance is an arraignment, or if it is set within one week of the request.
	2. Once the form is submitted, a Prosecutor will review the case and email you an initial offer.
	3. Additional communication via email will occur until a disposition is reached.
	4. Send a final email to the prosecutor confirming the acceptance of the agreement.
	5. Appear in Municipal Court on your previously scheduled pretrial conference date. On that date, a prosecutor will fill out a plea form per the accepted disposition.
	6. Entry of plea per normal courtroom procedures on the record.

**Remote Pre-Trial Conference and Remote Entry of Plea With Waiver of Appearance**

* If you wish to engage in a remote pretrial conference and a remote entry of plea without appearance of you or your client, please do the following:
1. Submit the “Remote Disposition Request Form” on coloradosprings.gov/municipal-court.
	* + You must attach a copy of your entry of appearance for the matter (unless you are already attorney of record in the case).
		+ Elect to enter plea without appearance.
		+ You must reset your pretrial conference in coordination with the court if the next scheduled court appearance is an arraignment, or if it is currently set within one week of the request.
2. Once the form is submitted, a Prosecutor will review the case and email you an initial offer.
3. Additional communication via email will occur until a disposition is reached.
4. Send a final email to the prosecutor confirming the acceptance of the agreement, and that you have authority from your client to accept the plea remotely.
5. The prosecutor will draft and send you an email with the following:
	* + A completed plea agreement form
		+ A setting sheet for a Review Date
		+ A remote disposition Verification Form
6. You must sign all three forms and return them to the prosecutor via email.
7. The prosecutor will forward these documents to the Court. The Court will enter the plea agreement on the record without appearance from the defendant or defense counsel.
8. The Court will email you with notice that the plea was accepted, and instruction for you or your client to finalize payment in the matter.
* **Review Date:**
* The Review Date you are signing for is a way for the Court to review your clients case and determine if the fines and costs have been paid. It is a required court appearance, however, if payment is made in full before the Review Date, the court appearance is vacated.
	1. If your client needs additional time to make payments, you must appear at the Review Date to request more time from the Court, or request a continuance.
	2. If the fines and costs are not paid before the Review Date, and you do not appear at the scheduled court appearance, the Court will enter judgment on the outstanding fines and costs.

**Additional Information**

* Please be aware that motions practice, extensive pretrial negotiation, or trials cannot be resolved remotely. In those instances, in person appearance is required.
* The discovery process is not changed by this procedure. Any discovery requests must be done through standard procedures or they will not be honored or fulfilled.
* Probated sentences cannot be entered via the remote disposition process at this time. Therefore, any agreements that include a traffic class will require that class be completed before the plea agreement can be accepted by the court.
* Remote plea offers still require a $25.00 court cost assessment in addition to any fines and/or surcharges.
* **Submission of a Remote Disposition Request Form DOES NOT vacate, continue, or stay any previously scheduled court appearance. Defense Attorneys are responsible for managing required court appearances, and either properly requesting a continuance or appearing in person to handle the matter.**