
ADMINISTRATIVE ORDER 2010-07 - APPOINTMENT OF AN ACTING DISTRICT ATTORNEY FOR THE 7TH JUDICIAL DISTRICT AS PER 20-1-108, C.R.S.

(VACATED)

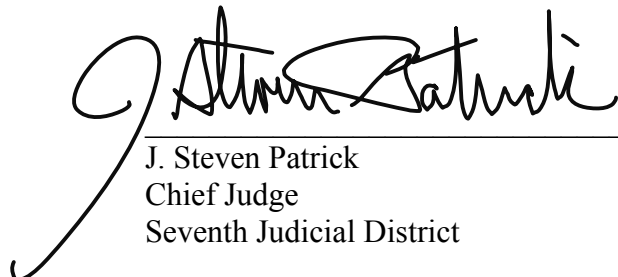
RECITALS

- A. On September 30, 2010, Myrl Serra, the elected District Attorney for the Seventh Judicial District, was arrested for alleged criminal conduct.
- B. On September 30, 2010, Lt. Governor O'Brien entered Governor's Executive Order 2010-18 appointing the Attorney General to prosecute criminal matters in the 7th Judicial District.
- C. On December 16, 2010, due to the continuing absence of the Elected District Attorney to carry out his functions, this court entered Administrative Order 2010-07 appointing Dan Hotsenpiller to discharge the duties of the District Attorney for the 7th Judicial District effective January 10, 2011 as acting District Attorney in the absence of the District Attorney. An absence in the office requires the Chief Judge to appoint a person to temporarily discharge the duties of the office. §21-1-108, C.R.S. The Governor's office acted to withdraw Executive order 2010-18 in light of the court's findings and order.
- D. On January 4, 2011, Myrl Serra resigned his position effective January 11, 2011 at 12:01 p.m. This resignation will create a vacancy in the Office of District Attorney for the 7th Judicial District. A vacancy in the office requires action by the Governor to appoint a successor. Colorado Constitution, Article VI, Section 20(4).
- E. The order of this court entered December 16, 2010 would become void at 12:01 p.m. on January 11, 2011, due to the change of circumstances from an absence to a vacancy.
- F. The Governor informed this court that he will be reinstating Governor's Executive Order 2010-18 appointing the Attorney General to prosecute criminal matters in the 7th Judicial District, until such time as the resignation becomes effective and the Governor can act to fill the vacancy.

ORDER

IT IS THEREFORE ORDERED, Administrative Order 2010-07 of December 16, 2010 is hereby vacated and is no longer in effect.

Done at Gunnison, Colorado this 7th day of January, 2011.



J. Steven Patrick
Chief Judge
Seventh Judicial District