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

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**(VACATED)**

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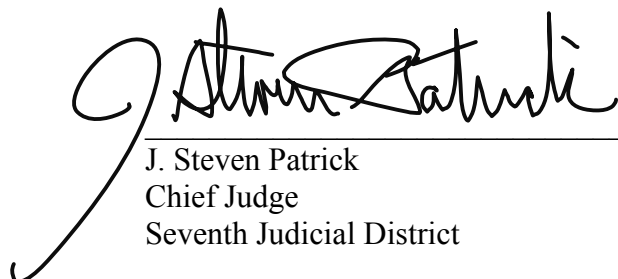
**RECITALS**

- 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 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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IT IS THEREFORE ORDERED, Administrative Order 2010-07 of December 16, 2010 is hereby vacated and is no longer in effect.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.

  
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J. Steven Patrick  
Chief Judge  
Seventh Judicial District