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| --- | --- |
| County Court [ ]  District Court       County, ColoradoCourt Address: State of Coloradov.Defendant:        | COURT USE ONLY |
| Attorney or Party Without Attorney (Name and Address):      Phone Number:       E-mail:      FAX Number:       Atty. Reg. #:       | Case Number      Division       Courtroom  |
| DEFENDANT’S REQUEST TO PLEAD GUILTY (Crim. P. Rule 11 Guilty Plea Advisement) |

This document represents my desire to plead guilty. I know that I have the right to remain silent, that I do not have to make this request, and anything I write or say may be used against me. Knowing that, I swear or affirm that I have read and understand everything in this and all of the documents I have submitted in this case. I understand all of the rights that I am giving up by pleading guilty.

**Defendant’s Initials:**

1. \_\_\_\_\_\_ I am \_\_\_\_\_\_\_years old. I have completed \_\_\_\_\_\_years of school. At this time my mental and physical health is satisfactory. I am thinking clearly. My decision to plead guilty is not being affected in any way by alcohol, drugs, or medication.
2. \_\_\_\_\_\_ I understand what is happening in this Courtroom today. I read, speak, and understand the English language, or all of the documents and proceedings in this matter have been fully explained to me in a language that I understand.
3. \_\_\_\_\_ I understand that if I am not a citizen of the United States, this guilty plea can cause deportation, exclusion from admission to the United States, or denial of naturalization, or other immigration consequences.
4. \_\_\_\_\_ I understand the nature of the charge(s) against me and the elements of the charge(s), which the prosecution would have to prove beyond a reasonable doubt to a unanimous jury before I could be found guilty at trial. The essential elements of the crime to which I am pleading guilty are **attached** to this document. With my lawyer, I have reviewed the **attached document(s)** explaining the elements of the charge I am pleading guilty to. I have signed the attached document(s) because I thoroughly understand them.
5. \_\_\_\_\_ I understand that I have each of the following rights:
	1. \_\_\_\_\_\_ I know that I have the right to plead “not guilty” to all charges against me and to have a speedy and public trial to a jury of 12 persons or to a judge on all charges against me.
	2. \_\_\_\_\_\_ I know that I have the right to be represented by a lawyer at all stages of these proceedings, and if I cannot afford a lawyer, the Court will appoint a lawyer for me, free of charge.
	3. \_\_\_\_\_\_ I know that I have the right to be presumed innocent at trial and to require the prosecution to prove at trial each element of each charge beyond a reasonable doubt before I could be found guilty.
	4. \_\_\_\_\_\_ I know that at that trial I have the right to see and cross-examine all witnesses who might testify against me.
	5. \_\_\_\_\_\_ I know that I have the right to present any defense I might have, and to call any witnesses in my own defense. If those witnesses were unwilling to appear, I understand that the Court would issue subpoenas at my request and would order those witnesses to appear and testify. I understand that I would have no burden to present any evidence or witnesses at trial. I would not have to prove myself not guilty. I would be presumed innocent at trial and the burden to prove my guilt would rest solely with the prosecution.
	6. \_\_\_\_\_\_ I know that I have the right to remain silent, and not say anything or make any statement whatsoever about this case. I know that if I do choose to make any statement, that statement could be used against me in Court.
	7. \_\_\_\_\_\_ I also know that I have the right to either testify at trial or to remain silent, and that if I chose not to testify, I could have the Judge instruct the jury that they could not consider my decision to not testify for any purpose. I understand that whether I testified or not at trial would be purely my decision.
	8. \_\_\_\_\_\_ I know that if I were convicted of any charge at trial I would have the right to appeal that conviction to a higher Court.
	9. \_\_\_\_\_\_ I know that I may have a right to a Preliminary Hearing, and I understand that right.
	10. \_\_\_\_\_\_ I am aware that I may have the right to bail, and I am aware of the amount of that bail.
	11. \_\_\_\_\_\_ **I know that when I plead guilty, except for the right to counsel, I give up all of these rights and all possible defense(s) to the charge(s).**
6. \_\_\_\_\_ The decision to plead guilty is my decision and it has been made freely and voluntarily. There has been no threat, coercion, undue influence, or force used to make me plead guilty. I know that I do not have to follow my lawyer’s advice and that I do not have to plead guilty. This is my decision to plead guilty.
7. \_\_\_\_\_ I know that a plea of guilty admits the charge, and a plea of not guilty denies the charge. I admit the charge(s) to which I am pleading guilty and each of the elements, which are attached to this document. I also admit that there are sufficient facts in this case which could be presented at trial by the prosecution, which would result in a strong likelihood of my conviction.
8. \_\_\_\_\_To the charge(s) of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** I plead **GUILTY**.
9. \_\_\_\_\_The elements of the charge(s) to which I am pleading guilty, which are **attached** to this document, have been explained to me. I understand fully everything the prosecutor would have had to prove beyond a reasonable doubt to each and every member of a 12-person jury before I could have been convicted.
10. \_\_\_\_\_I understand that one of the elements, which the prosecutor would have had to prove, is my mental state at the time of commission of the crime. In addition to understanding the elements, I understand the applicable definition(s) below, and I understand what the prosecutor would have had to prove in that regard:

\_\_\_\_\_\_**INTENTIONALLY:**  A person acts “intentionally” or “with intent” when his/her conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

\_\_\_\_\_\_**KNOWINGLY:** A person acts “knowingly” or “willfully” with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of such nature or that such circumstance exists. A person acts “knowingly” or “willfully” with respect to a result of his/her conduct when he/she is aware that his/her conduct is practically certain to cause the result.

\_\_\_\_\_\_**RECKLESSLY**: A person acts “recklessly” when he/she consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

\_\_\_\_\_\_**NEGLIGENTLY:** A person acts with “criminal negligence” when, through a gross deviation from the standard of care that a reasonable person would exercise, he/she fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

1. \_\_\_\_\_I understand that the Court is not bound by and does not have to follow anyone’s recommendations concerning the entry of a guilty plea, the penalty to be imposed, and the granting or denial of probation. Any proposed plea agreement and any concession(s) are fully and accurately set forth in this written document.
2. \_\_\_\_\_I have had a full opportunity to discuss with my lawyer everything I know about this case and all defenses that may be available to me. My lawyer has also discussed the elements of the charges, which the prosecutor would have to prove, all lesser included charges, and all possible defenses. I understand my lawyer, and I am satisfied with the advice and representation I have received from my lawyer.
3. \_\_\_\_\_I understand that if the Court accepts my guilty plea to a felony I will stand convicted of a felony. I understand that this felony conviction may be used against me in any future proceeding under the habitual criminal laws. I also understand that my felony conviction may be used against me in any future proceeding concerning my credibility. If I have entered into a Stipulation of a Deferred Judgment and Sentence, and I have not yet completed the terms of that agreement, my guilty plea may be used against me in any future proceeding. I understand if I have entered into a Stipulation of a Deferred Judgment and Sentence and I violate the terms of that agreement, I may stand convicted of a felony and then I will be re-sentenced by the Court.
4. \_\_\_\_\_\_I understand the full range of potential penalties for my offense(s) as set forth below and in the chart of applicable sentencing ranges on pages 4 and 5.
	* + 1. \_\_\_\_\_\_I know that if I plead guilty to a felony, I may be sentenced to the custody of the Department of Corrections (prison), as shown in the below chart on page 4 for my applicable sentencing range. I understand that the Department of Corrections will determine my place of incarceration.
			2. \_\_\_\_\_\_**If applicable,** I understand and agree that there exist facts or circumstances surrounding the offense(s) I committed which are extraordinarily aggravating and will call for the Judge to impose a sentence above the maximum in the presumptive range, and as high as the maximum shown in the “extraordinary circumstances” portion of the box marked in the chart below. I agree to such a sentence. I understand that I have the right to require the prosecution to prove to a unanimous jury beyond a reasonable doubt any facts that bear upon whether extraordinary aggravating circumstances are present and upon whether any sentence will be above the top of the presumptive range. I understand and agree that by pleading guilty, I give up that right, including the right to have those facts proved beyond a reasonable doubt and the right to have them determined by a jury. I understand that my guilty plea is a waiver of my right to a jury trial on all issues including the determination of the penalty to be imposed and of all facts relating to, or supporting, a sentence above the top of the presumptive range.
			3. \_\_\_\_\_\_**If applicable,** I know that **if** the Judge were to conclude that extraordinary mitigating or aggravating circumstances are present in my case, I could be sentenced to any term of imprisonment from the minimum to the maximum sentence allowed by law as set out in the “extraordinary circumstances” portion of the box marked in the chart below on page 4. I understand that I have the right to require the prosecution to prove to a unanimous jury beyond a reasonable doubt any facts that bear upon whether extraordinary aggravating circumstances are present and upon whether any sentence will be above the top of the presumptive range. I understand and agree that by pleading guilty, I give up that right, including the right to have those facts proved beyond a reasonable doubt and the right to have them determined by a jury. I agree to let the Judge, in the Judge’s discretion, decide all such facts and decide whether or not extraordinary aggravating circumstances are present in my case and whether or not to impose a sentence above the top of the presumptive range. I understand that my guilty plea is a waiver of my right to a jury trial on all issues including the determination of the penalty to be imposed and of all facts relating to, or supporting, a sentence above the top of the presumptive range.
			4. \_\_\_\_\_\_**If applicable,** I understand and agree that my criminal record will allow the Judge to impose a sentence above the maximum in the presumptive range, and as high as the maximum shown in the “extraordinary circumstances” portion of the box marked in the chart below on page 4. I understand that I have the right to require the prosecution to prove to a unanimous jury beyond a reasonable doubt facts about my criminal record that bear upon whether extraordinary aggravating circumstances are present and upon whether any sentence will be above the top of the presumptive range. I understand and agree that by pleading guilty, I give up that right, including the right to have any such facts proved beyond a reasonable doubt and the right to have them determined by a jury. I understand that my guilty plea is a waiver of my right to a jury trial on all issues including the determination of the penalty to be imposed and of all facts about my criminal record relating to, or supporting, a sentence above the top of the presumptive range.
			5. \_\_\_\_\_\_**If applicable**, I understand and agree that I am pleading guilty to a “crime of violence.” A “crime of violence” sentencing requires the Court to sentence me to prison for at least the midpoint in the presumptive range and no more than twice the maximum of the presumptive range, as shown on the chart below on page 4. I understand and agree that the minimum mandatory sentence shall be **\_\_\_\_\_** years in prison with a maximum potential sentence of **\_\_\_\_\_** years in prison.
			6. \_\_\_\_\_\_**If applicable**, Extraordinary Aggravating Circumstances. I know that if the Court sentences me to incarceration for a felony, that sentence must be to at least the midpoint, but not more than twice the maximum in the presumptive range, if, at the time of committing the crime(s) in this case, I was:

\_\_\_\_\_\_ On probation or parole for another felony, **or**

\_\_\_\_\_\_ Confined or had escaped while completing a felony sentence, **or**

\_\_\_\_\_\_ On bond after revocation of probation for another felony or for an act that would have been a felony if committed by an adult, **or**

\_\_\_\_\_\_ On a felony appeal bond.

I understand and agree that by pleading guilty, I give up any right I might have to have a jury determine whether any of these circumstances are present in my case, and I agree to allow the Judge to make that determination and decide whether my sentence will be above the top of the presumptive range. Further, I admit that circumstances that I have initialed above are present in my case.

1. \_\_\_\_\_\_**If applicable**, Sentence Enhancing Circumstances. I know that if the Court sentences me to incarceration for a felony, the Court must sentence me to at least the minimum, but not more than twice the maximum in the presumptive range, if, at the time of committing the crime(s) in this case, I was:

\_\_\_\_\_\_ Charged with or on bond for another felony in another case for which I have now been convicted, **or**

\_\_\_\_\_\_ Charged with or on bond for an act that would be a felony if committed by an adult, **or**

\_\_\_\_\_\_ Under a Deferred Judgment and Sentence for a felony or for an act that would be a felony if committed by an adult, **or**

\_\_\_\_\_\_ On a juvenile parole for an offense that would be considered a felony if committed by an adult, **or**

\_\_\_\_\_\_ On bond after pleading guilty to a lesser offense when the original offense charged was a felony or would be a felony if committed by an adult.

I understand and agree that by pleading guilty, I give up any right I might have to have a jury determine whether any of these circumstances are present in my case, and I agree to allow the Judge to make that determination and decide whether my sentence will be above the top of the presumptive range. Further, I admit that circumstances that I have initialed above are present in my case.

1. \_\_\_\_\_\_I know that if I receive a sentence to the Department of Corrections, I must serve a mandatory period of parole as indicted below. Parole is after, in addition to and distinct from any other sentence imposed. Additionally, if my parole is revoked I may be required to serve the time remaining on parole in the Department of Corrections. The period of parole I must serve is as indicated in the box marked in the following sentencing range chart:

|  |  |
| --- | --- |
| **Marked box below****Indicates applicable sentencing range** | **FELONIES** committed on or after July 1, 1993 |
|  | **Presumptive****Range** | **Extraordinary****Circumstances** | **Mandatory****Period of****Parole** |
|  | **Class** | **Minimum** | **Maximum** | **Minimum** | **Maximum** | **Mandatory****Parole** |
|  | **1** | Life Imprisonment | Death | Life Imprisonment | Death |  |
|  | **2** | 8 years - $5,000 fine | 24 years $1,000,000 fine | 4 years | 48 years | 5 years (COV) 3 years (non-COV) |
|  | **3**Extra-ordinaryRisk Crime | 4 years - $3000 fine | 12 years $750,000 fine | 2 years | 24 years | 3 years |
|  | 4 years - $3000 fine | 16 years - $750,000 fine | 2 years | 32 years | 3 years |
|  | **4**Extra-ordinaryRisk Crime | 2 years - $2000 fine | 6 years - $500,000 fine | 1 year | 12 years | 3 years |
|  | 2 years - $2000 fine | 8 years - $500,000 fine | 1 year | 16 years | 3 years |
|  | **5**Extra-ordinaryRisk Crime | 1 year - $1000 fine | 3 years - $100,000 fine | 6 months | 6 years | 2 years |
|  | 1 year - $1000 fine | 4 years – $100,000 fine | 6 months | 8 years | 2 years |
|  | **6**Extra-ordinaryRisk Crime | 1 year - $1000 fine | 18 months - $100,000 fine | 6 months | 3 years | 1 year |
|  | 1 year - $1000 fine | 2 years - $100,000 fine | 6 months | 4 years | 1 year |

**\_\_\_\_\_\_ Based on the above, I understand the sentencing range applicable for my crime.**

1. \_\_\_\_\_\_I know that the sentence is imposed by the Court. The Court is not bound by any promises made by anyone concerning sentencing. Any promises or agreements made to me with respect to the sentence that are not set forth in this document, are invalid.
2. \_\_\_\_\_\_I know that by pleading guilty to a felony offense, from this point forward I may not and it will be illegal for me to own, possess, or use any firearms.
3. \_\_\_\_\_\_ I understand and agree that by pleading guilty to any criminal offense in this case, if I have a history of any sex offenses or if I have been previously convicted on or after January 1, 1994, of any type of sex-related criminal offense, including attempt, solicitation, and conspiracy to commit a sex-related criminal offense, or if I have been previously convicted on or after July 1, 2000, of any criminal offense, the underlying factual basis of which involved a sex-related criminal offense, I will be required, as part of the pre-sentence investigation by the Probation Department, to submit to a mental health sex-offense specific evaluation, and that I may be required to undergo sex offender treatment to the extent appropriate.  I further understand that such sex offender treatment may include therapy, monitoring, and supervision.
4. \_\_\_\_\_\_**If applicable,** I am aware that I am pleading guilty to a **SEXUAL OFFENSE**. With my lawyer, I have reviewed the **attached documents** explaining the elements of the charge I am pleading guilty to and the potential penalties for that **sex offense**.   I have initialed and signed the attached documents because I thoroughly understand them.
5. \_\_\_\_\_\_I know that if I am pleading guilty to a misdemeanor offense, I may be sentenced to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of facility) for as little as the **minimum** lawful term or as much as the **maximum** lawful term. I know the applicable sentencing range for my misdemeanor offense as indicated in the box below is:

|  |  |
| --- | --- |
| **Marked box indicates applicable sentencing range** | **MISDEMEANORS** committed on or after July 1, 1993 |
| **Class** | **Misdemeanors** |
|  |  | **Minimum** | **Maximum** |
|  | **1****Extraordinary****Risk Crime** | 6 Months - $500 fine | 18 Months - $5,000 fine |
|  | 6 Months - $500 fine | 24 Months - $5,000 fine |
|  | **2** | 3 Months - $250 fine | 12 Months - $1,000 fine |
|  | **3** | $50 Fine | 6 Months - $750 fine |

1. \_\_\_\_\_\_I know that I could be fined for my crime(s) in any amount from the minimum to the maximum. I also know that I will be charged with additional costs and fees. I know that the Court may impose both a sentence and a fine.
2. \_\_\_\_\_\_I know that if I am pleading guilty to more than one crime, the Court will impose sentences and/or fines for each crime. I also know that the Court may require my sentences to be served consecutively, one after the other, or concurrently, with the sentences served at the same time.
3. \_\_\_\_\_\_I know that if I am granted the privilege of probation, I could be required to serve up to 90 days in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of facility)l for each felony (60 days for each misdemeanor) as a condition of probation. I also understand that as a condition of my probation I could be required to serve up to two years in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of facility) on work or education release. I know that as a condition of my probation, I must pay restitution, and all fines, fees, and costs.
4. \_\_\_\_\_\_I know that I must pay restitution.

**Plea Agreement**

Below is the complete and accurate agreement between the People of the State of Colorado, as represented by the prosecutor, and the above-named Defendant, as represented by his/her attorney. All concessions and stipulations are fully set forth herein.

**1.** The Defendant will enter a plea of **GUILTY** to the charge(s) of: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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which will be original/amended/added count number(s) **\_\_\_\_\_\_\_\_\_\_**, a class **\_\_\_\_\_\_\_\_** felony.

**2.** In exchange for the above guilty plea(s), the People will dismiss count(s) **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, after the Court accepts the above guilty plea and any agreement(s) of the parties.

1. The People and the Defendant have agreed and stipulated to the following concession(s) (all concessions are set forth herein):

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deputy District Attorney Reg. No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**I swear or affirm that I have read and understand this entire document, and every representation I have made is true**.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Defendant**

**As defense counsel, I affirm that the above-named defendant has executed the foregoing “The Defendant’s Request to Plead Guilty (Crim. P. Rule 11 Guilty Plea Advisement).” As defense counsel I have thoroughly reviewed this document with the defendant in regard to the entry of this guilty plea.**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defense Counsel: Reg. No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ADVISEMENT TO DEFENDANT CONCERNING THE SEALING OF RECORDS**

Pursuant to §24-72-308, C.R.S., any person in interest may petition the District Court of the district in which any arrest and criminal records information is located for the sealing of all of the records, except basic identification information, if the records are a record of official actions involving a criminal offense for which the defendant ***was not charged,*** in any case which was completely ***dismissed***, or in any case in which the defendant was ***acquitted***.

 Defendants who were ***convicted*** of charges or ***pleaded guilty*** to charges ***MAY NOT*** petition for the sealing of those records.

After ten years, pursuant to §24-72-308 (1)(a)(III), C.R.S., any person in interest may petition the District Court of the district in which any arrest and criminal records information is located for the sealing of all of the records, except basic identification information, if the records are a record of official actions involving a criminal offense for which the defendant ***was not charged due to a plea agreement in a separate case****,* or ***where a dismissal occurred as a part of a plea agreement in a separate case.***

### ADVISEMENT CONCERNING TERMINATION OF REPRESENTATION

You are advised that absent court order or agreement of counsel and defendant, counsel’s representation in this matter shall terminate at the point in time:

When dismissal is granted by the court and no timely appeal has been filed, or;

When an order enters approving a deferred prosecution, deferred sentence or probation, or;

After a sentence of incarceration has been imposed upon conviction and no motion has been filed pursuant to Rule 35(b) or such motion so filed has been ruled on, or;

When a notice of appeal has been filed by the defendant.

**LIMITED RIGHT TO APPEAL AND TO SEEK SENTENCE RECONSIDERATION**

 I understand that following the sentencing in this matter, I may, in certain instances, have the right to appeal the sentence by filing an appeal. An appeal of the sentence must be filed within 45 days of the sentence. I also understand that I may have the right to seek postconviction reduction of sentence in the trial court under the provisions of Rule 35(b). A Motion for Reconsideration pursuant to Rule 35 (b) must be filed within 120 days of the imposition of sentence.

### ADVISEMENT CONCERNING THE EXPUNGEMENT OF DNA TEST RESULTS

### Pursuant to § 16-23-105, C.R.S. any person who qualifies for an expungement of DNA test results may file a written request to the Colorado Bureau of Investigation (CBI). An expungement of DNA test results means that the biological substance sample collected shall be destroyed and the results of the testing of the sample shall be expunged from the federal combined DNA indez system and any state index system.

### You qualify to file a written request:

### 1. If the sample was collected based upon an arrest, the filingof a felony charge or based upon a final court order, and each felony charge was, by a final court order, dismissed, resulted in an acquittal or resulted in a conviction for an offense other than a felony offense. OR

### 2. If the sample was collected based upon an arrest and a felony charge was not filed within 90 days after the arrest.

### You are NOT qualified to file a written request:

### If you were arrested for, charged with, or convicted of some other offense on the basis of which a sample was or could have been collected under state statute.

**Note:** A Court order is deemed final when no time remains for an appeal or application for discretionary review.

The information that must be contained in the written request is listed at § 16-23-105, C.R.S. Any questions regarding the filing of a written request should be directed to the CBI at <http://cbi.state.co.us/lab/index.html>.

### CERTIFICATE OF COUNSEL

 The undersigned, as lawyer and counsel for the above Defendant, hereby certifies:

 1. I have read and fully explained to the Defendant the allegations contained in the Information in this case.

 2. To the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing Petition are in all respects accurate and true.

 3. I have explained the potential range of penalties and the effect of all mandatory sentencing provisions for each Count to the Defendant and consider him/her competent to understand the charges against him/her and the effect of his/her Petition to enter a plea of “Guilty.”

 4. The plea of “Guilty” offered by the Defendant accords with my understanding of the facts related to me and is consistent with my advice to the Defendant.

 5. In my opinion the plea of “Guilty” as offered by the Defendant is voluntarily and understandingly made. I recommend that the Court accept the plea of “Guilty.”

 6. Having discussed this matter carefully with the Defendant, I am satisfied, and hereby certify, in my opinion, that he/she is mentally and physically competent; there is no mental or physical condition which would affect his/her understanding of these proceedings; further, I state that I have no reason to believe that he/she is presently operating under the influence of drugs or intoxicants (exceptions should be stated on the record by counsel).

 SIGNED BY ME IN THE PRESENCE OF THE DEFENDANT AND AFTER FULL DISCUSSION OF THE CONTENTS OF THIS CERTIFICATE WITH THE DEFENDANT THIS \_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Attorney for the Defendant