

COURT OF APPEALS, STATE OF COLORADO 2 East 14 th Avenue Denver, Colorado 80203	DATE FILED: December 8, 2014 10:53 AM
Weld District Court Honorable Shannon D. Lyons Case Number 11CR1341	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff-Appellee v. JARED COWEN Defendant-Appellant	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Karen N. Taylor, Chief Appellate Deputy 1300 Broadway, Suite 300 Denver, Colorado 80203 (303) 764-1400 (Telephone) (303)-764-1479 (Fax) PDApp.Service@coloradodefenders.us Registration Number: 24810	Case Number:
APPELLANT'S NOTICE OF APPEAL	

I. DESCRIPTION OF NATURE OF CASE AND DISPOSITION IN TRIAL COURT

NATURE OF CASE: This case is a criminal defendant's appeal of the judgment of conviction, sentence, and restitution imposed by the court. The appeal is taken pursuant to C.A.R. 3.

CHARGES FOR WHICH DEFENDANT WAS TRIED: Two Counts Fraud by Check-\$1,000 or More

CHARGES FOR WHICH DEFENDANT WAS CONVICTED: Fraud by Check-\$1,000 or More

DATE JUDGMENT OF CONVICTION ENTERED: October 9, 2014

DATE SENTENCE IMPOSED: October 24, 2014

SENTENCE: 3 years Supervised Probation, \$22,485.65 Restitution

II. APPEAL BOND INFORMATION

WHETHER APPEAL BOND GRANTED, AMOUNT OF BOND: N/A

III. ISSUES PROPOSED TO BE RAISED ON APPEAL

Issues on appeal may include, but are not limited to: All issues preserved by objection at trial, sufficiency of the evidence; sentencing; restitution; and, any other issues Appellant chooses to raise as plain error.

IV. TRANSCRIPT INFORMATION

A transcript of all evidence taken at trial is necessary to resolve the issues on appeal and will exceed twenty-five pages. The court reporters are FTR with service on appeals clerk, Candice Shepherd, Richard Matt, Amy Schmidt, Veronica Drechsel, Cheryl Palmer, Mark Cole Spangler, and Gig Baan-Proulx.

V. ATTORNEY INFORMATION

Defendant-Appellant Attorney:
DOUGLAS K. WILSON
Colorado State Public Defender
1300 Broadway, Suite 400
Denver, Colorado 80203
(303) 764-1400

Plaintiff-Appellee Attorney:
JOHN W. SUTHERS
Attorney General
1300 Broadway, 9th Floor
Denver, Colorado 80203
(720) 508-6000

VI. APPENDICES TO THIS NOTICE OF APPEAL

Attached to this Notice of Appeal are copies of the following:

1. Mittimus
2. Designation of Record
3. Findings of the Trial Court
4. Restitution Order

DOUGLAS K. WILSON
Colorado State Public Defender



KAREN N. TAYLOR, #24810
Chief Appellate Deputy
1300 Broadway, Suite 300
Denver, Colorado 80203
(303) 764-1400

CERTIFICATE OF SERVICE

I certify that on December 8, 2014, a copy of this Notice of Appeal with attachments was served by mail delivery on the Office of the District Attorney, and on the District Court and the Office of the Attorney General via the Integrated Colorado Courts E-filing System (ICCES).



Filed 11/19/2014 03:59 PM

District Court Weld, Colorado Court Address: 901 9th Avenue , Greeley, CO 80631	
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JARED COWEN, Defendant	
	▲ COURT USE ONLY ▲ Case Number: 11CR1341 Courtroom 16
Order re: Motion to Proceed in <i>Forma Pauperis</i> and to Appoint the Office of the Public Defender on Appeal (D-12)	

This Honorable Court hereby:

☒ GRANTS Motion to Proceed in *Forma Pauperis* and to Appoint the Office of the Public Defender on Appeal

_____ DENIES Motion to Proceed in *Forma Pauperis* and to Appoint the Office of the Public Defender on Appeal

DATED: _____

BY THE COURT:



District Court Judge

11/20/2014 7:42:30 AM

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court WELD County, Colorado Court address: PO Box 2038 Greeley, CO 80632 <hr/> People of the State of Colorado v. Defendant: COWEN, JARED	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): <div style="display: flex; justify-content: space-between;"> <div> Phone Number: FAX Number: </div> <div> E-mail: Atty. Reg. #: </div> </div>	Case Number: 11CR1341 ML Number: 60930529 SID Number: <div style="text-align: right; font-size: small;"> Division 16 FILED 10/28/2014 10:30 AM </div>
CONDITIONS OF PROBATION FOR THE OFFENSE(S) OF FRAUD BY CHECK-\$1000 OR MORE (F6) GRANTED ON 10/24/2014 to 10/24/2017	

You shall be supervised by the probation department for a period of **THREE** ☒ YEARS and shall comply with the following conditions and those listed on the reverse side of this form. You may be supervised in an intensive or alternate probation program, as determined by the probation department, with program specific conditions imposed.

Additional conditions: You shall abide by, participate in, cooperate with, pay any fees required, and successfully complete the following as indicated:

- ☐ Community corrections for beginning
- ☐ Electronic Home Monitoring for or ☐ Global position monitoring for days
- ☐ Jail for . Credit for time served days
- ☐ Work Release Authorized
- ☐ Useful Public Service (UPS) hours-
- ☐ You shall not contract any financial obligations without approval of your probation officer and/or Collections Investigator
- ☐ Support your dependents as stipulated by the court, including child support (e.g. arrangements, payment plans, arrearages)
- ☐ You shall comply with all terms and restrictions imposed by any Protection Order
- ☐ The Court is ordering Def complete DV Evaluation Within days and be enrolled within days- Complete DV treatment
 - ☐ No possess or consume Alcohol or Controlled Substances
 - ☐ Complete Substance Abuse Evaluation/Treatment
 - ☐ Obtain Mental Health Evaluation
 - ☒ **RESTITUTION-COURT AWARDS RESTITUTION IN THE AMOUNT OF \$22,485.65**
 - ☒ **Other-DEF TO PAY ALL FINES, COSTS, AND COCP/SUPV FEES IMPOSED**
 - ☒ **Other-DEF TO ATTEND AND COMPLETE FINANCIAL MANAGEMENT COURSE, CONSULT THE SMALL BUSINESS ADMINISTRATION FOR CONSULTATION ON SMALL BUSINESS MANAGEMENT**
 - ☒ **Other-DEF SHALL PAY A MINIMUM OF \$500/MONTH TOWARD RESTITUTION**
 - ☒ **Other-UPON AGREEMENT OF THE DEF'S PO, DEF MAY TRANSFER SUPERVISION TO EL PASO COUNTY**
 - ☒ **Other-REMAIN LAW ABIDING**
 - ☒ **Other-ABIDE BY THE TERMS AND CONDITIONS OF PROBATION**
 - ☐ Other-
 - ☐ Other-
 - ☐ Other-
 - ☐ Other-
- ☐ Based on your behavior/efforts, Probation is authorized to use the following options, at their discretion, during the period of supervision:

☐ Useful Public Service (UPS), up to hours
☐ Electronic Monitoring (including GPS), up to days
☐ Curfew

☐ Request early termination
☐ Request reduction in UPS hours
☐ Other _____

As a condition of supervision, you shall pay the following amounts: (SEE ATTACHED) Initial: 92

A Time Payment Fee shall be assessed on your case unless all amounts (excluding supervision fee) are paid when the Order for payment is entered and such fee shall be assessed annually if there remains an outstanding balance. In addition, late payments are subject to late fees, additional collection action, and collection costs. In the event you need financial assistance to comply with the conditions of probation, funds provided may be subject to recovery. A cost of care reimbursement may be assessed in addition to the amounts above and may be a continuing obligation after probation is terminated. The total amount shall be paid to the Clerk of Court at the address listed above according to a payment schedule as determined by the Collections Investigator or at the rate of \$ _____, per (time period), beginning (date).

I have received a copy of these conditions (front and back page) and have read them carefully with full understanding. I understand that if I violate these conditions, I may be brought before the Court for revocation and imposition of sentence.

Defendant
DPW

Date

Judge

Date

Probation Officer/Witness

Date

STANDARD CONDITIONS OF PROBATION

By signing the previous page and placing my initials after every condition, I will abide by the following conditions:

Crime-free lifestyle:

1. I will abide by all local, state and federal laws and will report any contact with law enforcement to my probation officer. AR
2. I will not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime. AR
3. I will not act as a confidential informant. AR
4. I will not possess or have access to any firearm, explosive or destructive device, or any other dangerous instrument or weapon. AR
5. I will submit to a search of my residence, vehicle or personal effects, including but not limited to any electronic devices, by probation, when there are reasonable grounds to search. I understand my personal property is subject to seizure if it violates any of the terms and conditions of my probation. AR
6. I will not use alcohol (to excess)* or use or possess any illegal, dangerous, or abusable drugs or controlled substances without a prescription. AR ~~to excess~~
appropriate/determined by assessment *strike out as

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7. I will submit to drug and alcohol testing as directed by probation. I understand I am responsible for the costs of testing, unless other arrangements have been made through my probation officer. AR

Treatment:

8. I will actively participate in, cooperate with and successfully complete any referral, evaluation, assessment or recommended program. These programs may include, but are not limited to: placement in a residential or outpatient program, counseling or treatment for drugs or alcohol, mental health, domestic violence, cognitive behavioral, offense specific or anger management. I will sign any necessary releases of information and I understand I am responsible for the costs of treatment and services unless other arrangements have been made through my probation officer. AR

Probation Supervision:

9. I will report to my probation officer for appointments, as directed by the court or the probation office. I understand that my probation officer can visit me at reasonable times at home or elsewhere. I will provide probation safe access to my residence. AR
10. I will notify my probation officer of changes in my address, phone number, employment, or education status. AR
11. I will maintain suitable employment and/or pursue employment, education, or vocational training. AR
12. I will comply with any other requirements of my probation officer in order to meet the conditions imposed by the Court, including answering all reasonable questions asked by my probation officer. AR
13. I will obtain written permission from the court or my probation officer before leaving Colorado. AR
14. If convicted of a felony, I will sign a waiver of extradition agreeing to waive all formal proceedings and return to Colorado in the event I am arrested in another state. AR
15. I will submit to and pay for a genetic marker (DNA) sample as required in §16-11-102.4 C.R.S. AR
16. I will register as a sex offender if convicted of an offense involving unlawful sexual behavior, as required in §16-22-101, et seq. AR

Intensive Programs: If placed in an intensive probation program, the following additional conditions will also apply:

1. I will remain at my residence and comply with any curfew established by my probation officer. AR
2. I will not consume alcohol. AR
3. I will consent to search of my residence, vehicle or personal effects, including but not limited to any electronic devices, at probation's discretion. AR

David Cowen 10-24-14
Defendant Signature/Date

David Walker 10/24/14
Probation Officer Signature/Date

FINANCIAL SUMMARY
10/24/14 10:30 AM
District Court, Weld County

Case #: 2011 CR 001341

Div/Room: 16

Type: Fraud

The People of the State of Colorado vs COWEN, JARED

Status: RSTD

MRIG CLSD

Accounts Receivable	Assessed	Applied	J/S Recd Rel Cse	Bal.
Victim's Assistanc	\$163.00		FILED 10/28/2014 10:09 AM	\$163.00
Victim Compensatio	\$163.00			\$163.00
Court Costs	\$35.00			\$35.00
Court Security Cas	\$5.00			\$5.00
Genetic Testing Su	\$2.50			\$2.50
Public Defender Ac	\$25.00			\$25.00
Time Payment Fee	\$25.00			\$25.00
Restorative Justic	\$10.00			\$10.00
Drug Standardized	\$45.00			\$45.00
Cost of Care - Pro	\$2,898.00			\$2,898.00
Probation Supervis	\$1,800.00			\$1,800.00
Accts Rcv Balance	\$5,171.50			\$5,171.50

Restitution: \$22,485.65.

X [Signature] 10-24-14
Dale Wade 10/24/14

AKG


Filed 10/22/2014 11:12 AM

District Court, Weld County, Colorado Court Address: 901 9th Avenue , Greeley, CO 80631	
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JARED COWEN, Defendant	▲ COURT USE ONLY ▲
Kathryn Crampton Deputy State Public Defender 822 7th Street, Ste. 300 Greeley, CO 80631 Phone Number: (970) 353-8224 FAX Number: (970) 352-8293 E-mail address: Kathryn.Crampton@coloradodefenders.us Attorney Registration Number: 43157	Case Number: 11CR1341 Courtroom 16
Objection to Government's Request For Restitution and Request for a Hearing (D-11)	

1. Jared Cowen, through counsel, objects to the Government's "Notice of Restitution" filed in this case and specifically contests the amount of restitution being sought by the prosecution in this case.
2. Jared Cowen further requests a hearing on the matter.

Respectfully submitted,

DOUGLAS K. WILSON
COLORADO STATE PUBLIC DEFENDER


Kathryn Crampton #43157
Deputy State Public Defender

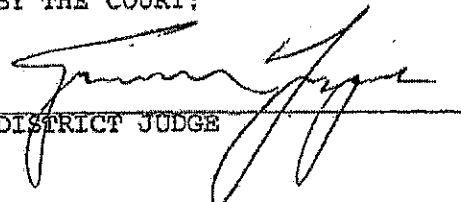
CERTIFICATE OF SERVICE
I certify that on
10/22/2014 I
served the forgoing document by delivering
X mailing faxing same
to all opposing counsel. VH

DISTRICT COURT, WELD COUNTY, COLORADO P.O. BOX 2038 901 9 TH AVENUE GREELEY, COLORADO 80631 (970) 475-2400		<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> Case Number: 11CR1341 Div: 16
THE PEOPLE OF THE STATE OF COLORADO vs. JARED COWEN, DEFENDANT,		
ORDER		

Upon Notice of KENNETH R. BUCK, District Attorney in and for the Nineteenth Judicial District of the State of Colorado, by Benjamin C. Whitney, Chief Deputy District Attorney, and good cause appearing, it is hereby ORDERED that the defendant pay \$* restitution into the Registry of the Court and that the Clerk disburse it as set forth above. IT IS FURTHER ORDERED that such restitution is subject to 12% interest per annum.

DONE this 24th day of October, 2014.

BY THE COURT:


DISTRICT JUDGE

Court awards \$22,485.65
in Restitution.

<input type="checkbox"/> District Court Weld County, Colorado Court Address: Weld County District Court Weld County Courthouse PO Box 2038 Greeley, CO 80632	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff v. JARED COWEN Defendant	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Karen N. Taylor, Chief Appellate Deputy 1300 Broadway, Suite 300 Denver, Colorado 80203 Phone: (303) 764-1400 E-mail: appellate.pubdef@coloradodefenders.us Fax: (303) 764-1479 Atty. Reg. #: 24810	Case Number: 11CR1341 Division: 16
<p style="text-align: center;">DESIGNATION OF RECORD ON APPEAL</p>	

The Clerk will prepare for the Court a record on appeal which shall include the following:

1. The entire trial court file, up to the filing of the record on appeal, including all original process and pleadings on file, all motions, judgments, orders of the court, minute orders, and, if applicable, all restitution motions and orders.

2. The reporter's original transcript of all hearings on pretrial motions, in their entirety, including, but not limited to, evidence, argument of counsel and rulings of the court which were held on: September 26, 2012 (RM), November 30, 2012 (AS), February 22, 2013 (AS), March 11, 2013 (FTR), April 5, 2013 (FTR), May 28, 2013 (AS), August 19, 2013 (AS), September 12, 2013 (FTR), October 3, 2013 (FTR), October 18, 2013 (FTR), October 23, 2013 (VD), January 21, 2014 (FTR), February 26, 2014 (CP), March 6, 2014 (MCS), May 27, 2014 (MCS), June 18, 2014 (GBP), and September 22, 2014 (FTR).

3. The reporter's original transcript of trial (occurring on October 6 (CP), 7 (CP), 8 (MCS), 9 (MCS), 2014), any motions hearings held immediately prior to the beginning of the first day of trial, as well as opening and closing statements, arguments of counsel, rulings of the court, questions from the jury, colloquies concerning questions and receipt of verdict.

4. A transcript of voir dire is not requested.

5. A complete copy of the materials provided to jurors in the juror notebooks.

6. Jury instructions, including instructions tendered and refused, and any colloquy regarding the jury instructions.

7. All exhibits, including exhibits tendered and refused.

8. The reporter's original transcript of the sentencing hearing which was held on October 24, 2014 (CP).

9. The court reporters in this matter are: FTR c/o Candice Shepherd, Appeals Clerk, Richard Matt, Amy Schmidt, Veronica Drechsel, Cheryl Palmer, Mark Cole Spangler, and Gigi Baan-Proulx.

Pursuant to C.A.R. 11, the record on appeal must be transmitted to the clerk of the court March 9, 2015. Please notify the Appellate Division of the Public Defender's Office if you will be unable to complete the record on appeal within this time limitation.

DOUGLAS K. WILSON
Colorado State Public Defender



KAREN N. TAYLOR, #24810
Chief Appellate Deputy
1300 Broadway, Suite 300
Denver, Colorado 80203
(303) 764-1400

CERTIFICATE OF SERVICE

I certify that on December 8, 2014, a copy of this Designation of Record was served on the Office of the Attorney General and the District Court via the Integrated Colorado Courts E-filing System (ICCES) and by mail delivery on the Office of the District Attorney and the court reporter(s), FTR c/o Candice Shepherd, Appeals Clerk, Richard Matt, Amy Schmidt, Veronica Drechsel, Cheryl Palmer, Mark Cole Spangler, and Gigi Baan-Proulx.

Leslie Proulx
