

<p>NINTH JUDICIAL DISTRICT, COLORADO</p> <p>Court Address: Garfield County Courthouse 109 Eighth St., Suite 104 Glenwood Springs, Colorado 81601</p> <p>Phone Number: 970-928-3065</p> <hr/> <p>ADMINISTRATIVE ORDER</p>	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
<p>The Honorable James B. Boyd</p>	<p>Administrative Order 14-03</p>
<p>DRUG FELONY WOBBLER SENTENCES</p>	

I DRUG SENTENCING POLICY:

On October 1, 2013, CRS 18-1.3-103.5 (Wobbler) became effective. This statute provides, generally, that if an eligible defendant is sentenced to and successfully completes a community-based sentence for an eligible offense (generally DF4 drug felony offenses), the felony conviction shall be vacated and the conviction shall be re-entered as a DM1 drug misdemeanor. To comply with this statute in the 9th Judicial District, the following protocol shall be followed for those defendants who are eligible (see CRS 18-1.3-103.5 (4) (a),(b),(c)(I), (c)(II)).

II PROCEDURE:

- I. Upon a Plea of Guilty or Finding of Guilty for a crime as per CRS 18-1.3-103.5 (3), and if the defendant is sentenced to Community Corrections or Probation (Community-based sentence) as per CRS 18-1.3-103 (1):
 - A. Upon entering a community-based sentence, the court shall set a review date approximately one month before the projected time a sentence will be completed.
 - B. Approximately six weeks before the review date, the clerk of the court will send a notice to the Defendant, District Attorney, and Probation on a standardized form providing the date of sentence, the projected completion date, and request information as to whether the sentence has been completed successfully.

Administrative Order 14-03
Drug Felony Wobbler Sentences

II. Report Upon Completion of Sentence

- A. If the defendant is placed on supervised probation or sentenced to Community Corrections, the 9th Judicial District Probation Department shall complete a report as to whether the sentence has been successfully completed, including successful completion of court-ordered treatment and other terms of supervision.
- B. If the individual is on unsupervised probation, the District Attorney shall complete a report as to whether the individual has successfully completed the community based sentence.
- C. The defendant may also file a report addressing successful completion.
- D. The above report(s) shall be filed not less than seven days prior to the review date.
- E. The Defendant need not appear on the review date unless ordered to do so by the Court. If any party desires a hearing on the issue of successful completion, the party shall make the request for a hearing by inclusion of such a request in a report timely filed as set forth above. If the Court determines a further hearing is warranted, whether upon the motion of a party or upon the Court's own motion, the hearing shall be scheduled on a date after the review date as determined by the Court with notice to the parties.

III. Whether a sentence is successfully completed shall be determined by the court as per CRS 18-1.3-103.5(2)(b).

- A. If the court determines that the defendant has successfully completed the community-based sentence, the Court shall order the DF4 conviction be vacated and a DM1 conviction be entered in accordance with CRS 18-1.3-103.5, unless the defendant is otherwise ineligible for relief as provided in CRS 18-1.3-103.5(4).
- B. If the Court determines that the defendant has not successfully completed the community-based sentence, the DF4 conviction shall remain as is without modification.

Administrative Order 14-03
Drug Felony Wobbler Sentences

Done on September 21, 2014.

BY THE COURT



A handwritten signature in black ink, appearing to read "John G. Berg". Below the signature, the words "Chief Judge" are printed in a smaller, sans-serif font.