

## **DEFERRED JUDGMENT AND SENTENCING**

Should you choose to speak with the Prosecuting Attorney, you may be offered a Deferred Judgment and Sentence as a part of the plea bargain process. This Deferred Judgment and Sentence must be approved by the Judge.

What this means is that you will be placed on an unsupervised probation for a given period of time, subject to terms and conditions that will be agreed upon between yourself and the Prosecuting Attorney. If you should complete this probation period without further violations and complete all other terms of the Deferred Judgment and Sentence, the case will then be dismissed without further penalty being imposed by the Court.

If the terms and conditions are violated, or you are found guilty of another violation, the Prosecuting Attorney could file a motion to revoke the Deferred Judgment and Sentence, and you would need to reappear in Court for sentencing on the original charge.

(Revised 5/20/05)

## **EXPUNGEMENT OF RECORD**

Pursuant to Colorado Revised Statutes 19-1-306(9) and 13-10-115.5, expungement of eligible non-traffic (CRS 13-10-115.5(5)) juvenile records, all records of the case in the custody of the court will be expunged forty-two (42) days after completion of the municipal sentence and municipal case is closed.

Should the prosecuting attorney not file an objection within this period after receipt of notice from the court, the municipal court shall order all records related to the case and charges in the custody of another agency, person, company or organization expunged.

Should the prosecuting attorney file an objection, the court shall schedule an expungement hearing. Notice of the hearing date will be sent to your last known address. You may appear at the hearing; however, is not required. Should you choose not to appear the hearing will proceed and finding will be entered based on the evidence presented. You as the defendant may present evidence in writing prior to the hearing or should you choose to appear may present evidence on the date of the hearing.

Upon the Court's finding that the "defendant has been rehabilitated to the satisfaction of the Court and expungement is in the best interest of the defendant and the community." The Court shall enter an order for expungement on your case. The Court will further instruct, in writing, the expungement of all case records in the custody of the court and any records related to the case and charges in the custody of any other agency, person, company or organization.

Prior to the Court ordering any records expunged, the court shall determine whether the juvenile has any actions pending before the municipal court, and if the court determines that, there this an action pending against the juvenile, the court shall stay the petition for expungement proceedings until the resolution of the pending case.

Copy of the expungement order will be sent to the juvenile, juvenile's last attorney of record, the prosecuting attorney, the law enforcement agency or agencies that investigated this case, and the Colorado Bureau of Investigation directing the entity to expunge its records within thirty-five days after the receipt of the order.

Copy of the expungement order will be sent if juvenile was placed, sentenced or held in municipal probation, Division of Youth Services, or jail, directing the entity to expunge its records within ninety days after the receipt of the order

The juvenile, the juvenile's attorney, or juvenile's parent/legal guardian may provide to the court, within seven days after the completion of the sentence or the case being closed, a list of all agency custodians that may have custody of any records subject to the expungement order. At no cost to the juvenile, the court shall send a copy of the order to the agency person, company or organization as requested, directing the entity to expunge its records within thirty-five days.

Upon the entry of an Order for Expungement and an inquiry in the matter, you and all custodians of the record may properly respond that public conviction records "do not exist" with respect to the defendant.

In the event that municipal records have not been expunged, an individual may petition the Juvenile Court in Adams County District Court within seventy days from the end of the case. A filing fee or other formalities are not required.

Order for Expungement shall not be construed to vacate a conviction. There are certain limitations, processes, time limits and exceptions to this rule. Please consult the statute or legal counsel with any questions you may have.

Please refer to C.R.S. 13-10-115.5 (3) for information related to the provisions regarding availability of records to juvenile, juvenile attorney, prosecuting attorney, local law enforcement agency, dept of human services, state/municipal judicial departments, probation, judge, victim assistance program, and victims. Including notation, that such information is not available to an agency of the military forces of the United States.