

MUNICIPAL COURT, CITY OF WESTMINSTER, COLORADO
3030 Turnpike Drive, Westminster, CO 80030

PLAINTIFF: People of the State of Colorado by and through the People of the City of Westminister

v.

DEFENDANT: _____

Office of the Prosecuting Attorney
3030 Turnpike Drive
Westminster, CO 80030
Phone: (303) 658-2262, Fax: (303) 487-9689

COURT USE ONLY

Case Number: _____

MOTION FOR _____ DAYS DEFERRED JUDGMENT, ENTRY OF PLEA AND WAIVER OF RIGHTS

The People and the Defendant jointly move that this Court accept the Defendant's plea of Guilty and defer judgment and sentencing on this plea for the specified period. It is jointly agreed that this disposition is subject to the following conditions:

1. The Defendant tenders to the Court, conditioned on the Court's acceptance of this Motion, a plea of Guilty to the charge of _____; if this charge differs from the original charge on the summons this form acts as an amendment of the summons. The Defendant acknowledges the rights on the reverse side of this form.
2. The Defendant states truthfully under oath that he/she has been previously charged with the following offenses: _____. If this statement is false it shall constitute a violation this deferred judgment.
3. The Defendant will not violate any municipal, state or Federal law during the specified period. If the Defendant is found guilty of any offense, excluding minor traffic and fish & game violations, during the specified period, then he/she shall be notified to appear in this Court for judgment and sentencing on the plea. Defendant agrees to notify the office of the prosecuting attorney in writing of any arrests or summons received no later than ten (10) days after said arrest or receipt of summons.
4. The Defendant shall pay an administrative fee of \$100.00/\$160.00; this fee and any other costs or fees, which may be assessed at the discretion of the Court, shall be paid as ordered by the Court.
5. The Defendant agrees to complete _____ hours of community service in compliance with the Court's orders.
6. The Defendant agrees to pay restitution to _____ of \$ _____ or as determined by the Court.
7. _____
8. If the above terms include a sentence to probation the Defendant must comply with all terms and conditions of probation. If the above terms include a requirement to complete a class, the class must be completed as ordered by the Court.
9. If, at the end of the specified period, the Defendant has complied with all of the above conditions, the Court will administratively withdraw the plea of guilty and dismiss the case. This shall not require any action on the part of the Defendant.
10. If the People receive evidence within 30 days after the end of the specified period that the Defendant has failed to comply with any of the above express conditions during the period, a Motion to Revoke this deferred sentence may be filed and set for hearing before the Court. The Defendant's presence at the hearing will be required and the Defendant hereby agrees that any notice of hearing sent to the address in Court's file at least 14 days prior to the date set for hearing, is legally sufficient. It is the Defendant's responsibility to keep the Court updated with his/her current address.
11. Defendant understands that if he/she fails to make any notification or fails to appear for any hearing set pursuant to the items of this agreement, the Court may declare him/her in violation of the agreement and issue a warrant for Defendant's arrest.
12. Defendant understands that if he/she is an adult and violates any condition of this Deferred Judgment, he/she may be subject to a fine not to exceed \$2,500 and/or 364 days in jail, or as otherwise set out by Law or Ordinance; if the Defendant is a juvenile he/she may be subject to a fine not to exceed \$2,500 and/or 2 days in jail.

City Prosecuting Attorney Dated

Defendant's Signature Dated

MOTION GRANTED: Dated _____
BY THE COURT:

Judge

Defendant's Attorney

Parent's Signature

I understand I have the right to a trial; I have a right to an attorney, and if I cannot afford one, one may be appointed by the court free of charge or at a reduced cost; I have a right to a speedy trial within ninety-one days of pleading not guilty; I have the right to be presumed innocent, and the prosecution bears the burden of proving each element of the charge beyond a reasonable doubt; I have the right to confront witnesses; I have the right to present evidence in my own defense, including witnesses, and I can compel the attendance of witnesses by subpoena issued by the court; I have the right to testify or not testify, and if I choose to remain silent my silence will not be used as evidence of guilt; I have a right to appeal a conviction at trial. I also understand that if I am not a citizen of the United States a plea of guilty or no contest may have collateral consequences including, but not limited to deportation or removal from the United States, or denial of naturalization. I understand that I may confer with an attorney regarding immigration or other collateral issues prior to entering this plea. I understand the Court has no authority regarding immigration issues. I understand that by entering this plea I am waiving the above rights. I voluntarily enter into this agreement, I do so after careful deliberation, I have not been coerced in any way, and I understand what I am doing. I have read and understand the elements of the charge (below) I am pleading to, and stipulate there are facts to support my plea.

The additional elements of the charge(s) that you are pleading guilty to are that you were in the City of Westminster on or about the date, time, and place charged.

Battery, W.M.C. 6-2-5(A)

A person commits battery if he knowingly or recklessly causes bodily injury to another person.

Harassment, W.M.C. 6-2-2(A)

It shall be unlawful to commit harassment. A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

1. Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact; or
2. In a public place, directs obscene language or makes an obscene gesture to, or at, another person; or
3. Follows a person in or about a public place; or
4. Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion or proposal by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium that is obscene; or
5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
6. Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
7. Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response.

Assault, W.M.C. 6-2-4(A)

It shall be unlawful for any person to commit assault. A person commits assault if, by any threat or physical action, he knowingly places or attempts to place another person in fear of imminent bodily injury.

Disturbing the Peace, W.M.C. 6-2-3(A)

It shall be unlawful for any person to intentionally, knowingly or willfully disturb the peace and quiet of another by unreasonable noise, indecent behavior or offensive conduct.

Disorderly Conduct, W.M.C. 6-2-1(A)

It shall be unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if he intentionally, knowingly or recklessly:

1. Makes a coarse and obviously offensive utterance, gesture or display in a public place, and the utterance, gesture or display tends to incite an immediate breach of the peace, whether or not an actual breach of the peace takes place; or
2. Abuses or threatens a person in a public place in an obviously offensive manner that

tends to incite an immediate breach of the peace; or

3. Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
4. Fights with another in a public place, except in an amateur or professional contest of athletic skill; or
5. Not being a police officer, displays a deadly weapon in a manner calculated to alarm.

Criminal Mischief, W.M.C. 6-3-4

- A. (Public Property): It shall be unlawful for any person to intentionally, knowingly or willfully disturb the peace and quiet of another by unreasonable noise, indecent behavior or offensive conduct.
- B. (Private Property): It shall be unlawful for any person to knowingly or recklessly damage the real or personal property of one or more other persons, where the aggregate damage to the real or personal property is less than \$500.00.

Criminal Tampering, W.M.C. 6-3-12(A)

It shall be unlawful for a person to commit the crime of criminal tampering. A person commits the crime of criminal tampering if the person knowingly tampers with property of another with the intent to cause injury, inconvenience, or annoyance to that person or to another, whether or not injury or damage has occurred.

Trespass, W.M.C. 6-3-5(A)

It shall be unlawful for any person to commit trespass. A person commits trespass if he enters or remains upon premises of another when consent to enter or remain is absent, denied, or withdrawn by the owner, occupant, any agent of the owner or occupant, or any other person having lawful control thereof.

Theft, W.M.C. 6-3-1(A)

It shall be unlawful to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, where the value of the thing involved is less than \$500.00, and:

1. Intends to deprive the other person permanently of the use or benefit of the thing of value; or
2. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or
3. Uses, conceals, or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or
4. Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person.

Violation of a Protection Order, W.M.C. 6-1-7(D)

A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired personal actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified

in the protection order or enters or remains on premises or comes within a specified distance of a protected person, or protected property, including an animal, or premises or violates any other provision of the protection order.

Obstructing a Police Officer, W.M.C. 6-5-5

- A. It shall be unlawful for any person, by using or threatening to use violence, force, physical interference, or obstacle, to knowingly obstruct, impair or hinder the enforcement of the penal law or the preservation of the peace, or the placement or attempted placement of a person into custody for purposes of his own safety and welfare or the safety and welfare of others, by a police officer, or any person duly empowered with police authority.
- C. It shall be unlawful for any person to refuse to reveal their correct name, address and date of birth when requested to do so by a police officer, or any person duly empowered with police authority engaged in the investigation of any violation of law, traffic accident, disaster or other event.

Resisting Arrest, W.M.C. 6-5-1(A)

It shall be unlawful for any person to resist arrest. A person resists arrest if he knowingly prevents, or attempts to prevent, a police officer acting under color of his official authority from effecting an arrest of the actor or another by:

1. Using, or threatening to use, physical force or violence against the police officer or another; or
2. Using any other means that creates a substantial risk of causing physical injury to the police officer or another; or
3. Running from, eluding or hiding from a police officer or officers attempting to effect an arrest.

Domestic Violence, W.M.C. 6-14-3

If your case involves an act of domestic violence the following definitions apply. By signing this form are acknowledging the existence of evidence sufficient to satisfy these definitions.

1. *Domestic violence* shall mean an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship, or any municipal ordinance violation against a person, or against property including an animal, when used as a method of coercion, control, revenge, intimidation, or punishment directed against a person with whom the actor is or has been involved in an intimate relationship.
2. *Intimate relationship* shall mean a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of a child, regardless of whether the persons have been married or have lived together at any time.

Potentially Dangerous Animal, W.M.C. 6-7-8(B)

It shall be unlawful for any person to own, possess, keep, harbor, or have custody or control of a potentially dangerous animal. A potentially dangerous animal is an animal that:

1. causes an injury to a person or domestic animal that is less severe than a serious injury;
2. without provocation, chases or menaces a person or domestic animal in an aggressive manner; or
3. acts in a highly aggressive manner while encroaching onto public or private property, from a vehicle, or from the owner's yard through, on or over a fence.