

<b>MUNICIPAL COURT, CITY OF BOULDER, COLORADO</b> 1777 6 <sup>TH</sup> Street, Boulder, CO 80302 <b>Phone: 303-441-4212</b> <b>FAX: 303-441-1811    <a href="http://www.bouldercolorado.gov/court">www.bouldercolorado.gov/court</a></b>		
<b>Plaintiff:</b> <b>THE PEOPLE OF THE CITY OF BOULDER</b> , by and on behalf of, THE PEOPLE OF THE STATE OF COLORADO  <b>Defendant:</b>		
Attorney Name:    Office of the City Attorney  By    Karyn Carroll, #43468 Lucas Markley, #40315 Chris Reynolds, #42282  Address:            P.O. Box 8015, Boulder, CO 80306 Telephone:        303/441-3025		Case Number:   Appearance Date:
<b>JOINT MOTION FOR DEFERRED PROSECUTION AND DEFENDANT'S WAIVER OF RIGHTS</b>		

The People and the Defendant jointly move that this Court defer prosecution for **6 months from the date of payment or until the receipt of proof of completion of conditions 1.b. and 1.d., whichever occurs first**, to the charge(s) of: B.R.C. § 5-7-4, Possession and Sale of Alcohol by Minors Unlawful

1. This disposition is subject to the following conditions:

- \_\_\_\_\_ a. Defendant is not charged anywhere with a similar offense which results in a conviction between the date of the Court's acceptance of this agreement and the end of the deferral period. If the Defendant has been charged with such an offense and that matter is not fully resolved by conviction, dismissal, or acquittal within the deferral period, the deferral period will be extended as to such offense until such resolution is accomplished.
- \_\_\_\_\_ b. Defendant pays Administrative costs of \$100.00 on entry and acceptance of this agreement.
- \_\_\_\_\_ c. Defendant agrees to keep this Court informed of Defendant's current address during the time this Motion is pending (Court's Address: P.O. Box 8015, Boulder, CO 80306 Phone: 303-441-4212 FAX: 303-441-1811).
- \_\_\_\_\_ d. Other: Defendant completes and provides proof of completion **by the date set forth in paragraph 1.f.** of the following alcohol education program:
  - ☐ SBIRT
  - ☐ BASICS1
  - ☐ BASICS2
  - ☐ Other \_\_\_\_\_.

The court-approved treatment providers for these classes are:

- Wardenburg Health Center (CU students only, BASICS2 only) call 303-492-2277 or go to CAPS (Counseling & Psychological Services) at Wardenburg on the 1<sup>st</sup> floor
- CU Health Promotion (CU students only, BASICS1 only) call 303-492-2937 or go to UMC 411
- Boulder County Public Health (All offenders, SBIRT, BASICS1, BASICS2, BASICS3, DARMA) <https://bouldercounty.wufoo.com/forms/sign-up-for-classes/> or 303-413-7546
- Kim Wright (All offenders, SBIRT, BASICS2, BASICS3) call 303-883-7581
- \_\_\_\_\_ e. Defendant's sobriety until this agreement ends or Defendant turns 21, whichever is earlier.
- \_\_\_\_\_ f. Defendant agrees to appear in the Boulder Municipal Court on:

**at 3:00 PM**

if s/he has not provided written proof of completion of the assigned alcohol class to: Boulder Municipal Court, P.O. Box 8015, Boulder, CO 80306, FAX: 303-441-1811. It is your responsibility to verify with the court (303-441-4212) that the court has received proof of completion and appearance is not necessary.

**THIS IS THE DEADLINE FOR COMPLETION OF THE ASSIGNED ALCOHOL CLASS. THIS COURT DATE WILL NOT BE CONTINUED. SIGN UP AND COMPLETE YOUR ALCOHOL CLASS AS SOON AS POSSIBLE. FAILURE TO PROVIDE PROOF OF COMPLETION OR TO APPEAR ON THIS DATE IF YOU HAVE NOT PROVIDED PROOF OF COMPLETION WILL RESULT IN A WARRANT FOR YOUR ARREST.**

\_\_\_\_\_g. Defendant agrees that, if the court is required to serve defendant with any court orders or notices, such orders/notices may be served to defendant by first class mail.

2. If Defendant satisfies all of these conditions by the court date in paragraph 1.f., Defendant will not be required to appear in court. It is Defendant's responsibility to verify that the court has received proof of completion of the assigned alcohol class (Court phone: 303-441-4212). This action will be dismissed with prejudice upon the City's motion and without the need for further action by the Defendant.
3. If Defendant fails to provide proof of completion of the class by the date set forth in 1.f., or has violated any other condition of this deferred prosecution, the case will not be dismissed. Instead, the People will proceed with prosecution of the case and Defendant will be arraigned on the charge in court.
4. Defendant has been fully advised of his/her rights by the Judge and/or has read this advisement in printed form. Defendant understands the rights explained in the advisement, including the right to have a trial within ninety (91) days of a Plea of Not Guilty to the above charges. With this agreement, Defendant withdraws his Not Guilty plea if previously entered, with the right to enter a Not Guilty plea in the event this matter is set for trial pursuant to Paragraph 3, above, and waives his/her right to a speedy trial.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Assistant City Attorney  
P.O. Box 8015, Boulder, CO 80306  
(303) 441-3025 Fax: (303) 441-1949

\_\_\_\_\_  
Street Address or P.O. Box

\_\_\_\_\_  
City, State, and Zip Code

you may send me \_\_\_\_ emails \_\_\_\_ text messages  
(check all that apply) regarding my case:

\_\_\_\_\_  
Telephone Number & Email Address

\_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_  
Attorney for Defendant

Reg # \_\_\_\_\_ Date: \_\_\_\_\_

### ORDER

**Being fully advised, the Court grants the Motion for Deferral of Prosecution upon the above stated terms and conditions.**

**BY THE COURT:**

***Olgod\$ 1# mlt#***

**MUNICIPAL JUDGE**

INFORMATION REGARDING THE SEALING OF UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOL CASES  
You may be eligible to seal your court record of the following charge: Possession and Sale of Alcohol by Minors Unlawful, B.R.C. § 5-7-4. Forms and information regarding the procedures for sealing your case are available on the municipal court website at [www.bouldercolorado.gov/court](http://www.bouldercolorado.gov/court).

Office Use Only: **MAKE COPY FOR DEFENDANT**

\_\_\_\_ DCC

\_\_\_\_ Initials

\_\_\_\_ Signature

\_\_\_\_ Address