

SEVENTEENTH JUDICIAL DISTRICT
ADAMS COUNTY & THE CITY AND COUNTY OF BROOMFIELD
ADMINISTRATIVE ORDER OF THE CHIEF JUDGE

18-05

ORDER DIRECTING THE CLERKS OF COURT IN THE SEVENTEENTH JUDICIAL DISTRICT TO CORRECT FINANCIAL ASSESSMENTS IN PREVIOUSLY DISMISSED DEFERRED SENTENCES AND ADJUDICATIONS

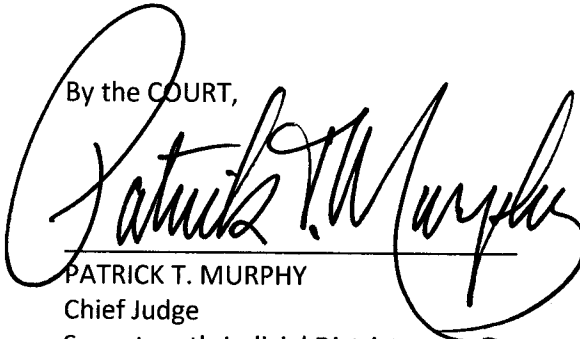
The recent Supreme Court decision, *Pineda-Liberato v. People*, 403 P.3d 160 (Colo. 2017), clarifies that after the court dismisses a deferred sentence or adjudication case, regardless of any court order entered at the time of dismissal, the court no longer retains jurisdiction to enforce an order entered prior to dismissal. The only exception is the collection of ordered restitution and restitution interest for cases dismissed prior to March 7, 2014, or the collection of ordered restitution and restitution interest and the related collection fees for cases dismissed on or after March 7, 2014. The Court has an affirmative duty to correct errors on its own motion (Crim. P., 35(a); *People v White*, 179 P3d 58 (Colo.App. 2007) on any case where assessments were not properly vacated upon the Court's Order to Dismiss due to the successful completion of a deferred prosecution agreement.

Accordingly, pursuant to Chief Justice Directive 95-01 "Authority and Responsibility of Chief Judges," the undersigned, in his capacity of Chief Judge of the Seventeenth Judicial District, hereby authorizes the Clerks of Court in the Seventeenth Judicial District to follow the prescribed procedures and best practices developed by the State Court Administrator's Office to correct dismissed deferred cases to ensure the following:

1. In cases dismissed prior to March 7, 2014, any restitution and/or restitution interest balance remains due and owing. In cases dismissed on or after March 7, 2014, cases with a balance of restitution or restitution interest remains due and owing along with collection fees associated with collection efforts (TIME, TIMA, COLC, LATE) that were previously assessed on the case. Restitution, restitution interest and collection fees noted above are to be pursued and collected as with any other judgment and with any and all available remedies regardless of the dismissal of a deferred sentence.
2. Any other balance, including fines, fees, costs, and surcharges, is dismissed with the sentence.

EFFECTIVE this 21st day of June, 2018.

By the COURT,



PATRICK T. MURPHY
Chief Judge
Seventeenth Judicial District