

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

16-04

DRUG FELONY WOBBLER SENTENCES

HISTORY:

On October 1, 2013, C.R.S 18-1.3-103.5 (Wobbler) became effective. This statute requires the court to vacate a sentence for a felony (DF4) conviction and enter a conviction to 18-18-403.5, C.R.S., a class 1 drug misdemeanor (DM1) after successful completion of a community based sentence.

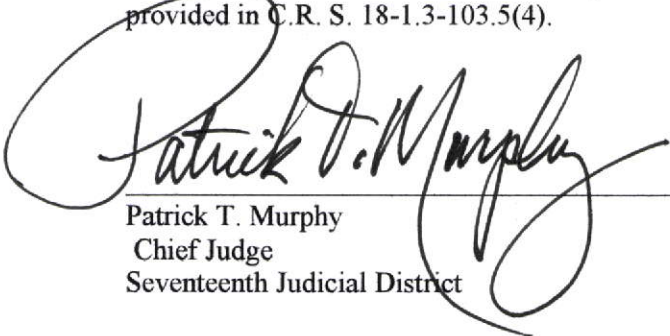
PROCEDURE:

After entry of a plea of guilty or the finding of guilty by the Court or by a jury and when the defendant is sentenced to a DF4 to a community based sentence to probation or to a community corrections program pursuant to 18-1.3-103.5(2)(a), C.R.S., the court shall set a review date which will coincide with the approximate time the sentence will be completed.

A. If the defendant is placed on probation or sentenced to community corrections, the Probation Department will complete and file a Notice/Petition that provides information as to whether the sentence has been successfully completed. Probation shall serve the DA, defendant or defendant's counsel upon filing.

B. If the defendant is on unsupervised probation, The District Attorney shall file a report as to whether the individual has successfully completed the community based sentence. The District Attorney shall serve the defendant or defendant's counsel upon filing. The defendant may also file a report addressing successful completion.

C. 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 C.R.S. 18-1.3-103.5, unless the defendant is otherwise ineligible for relief as provided in C.R. S. 18-1.3-103.5(4).



Patrick T. Murphy
Chief Judge
Seventeenth Judicial District



Date