

<b>Court:</b> <input type="checkbox"/> District <input type="checkbox"/> County Colorado County: _____ Court Address: _____	▲ <i>Court Use Only</i> ▲
<b>Parties:</b> Plaintiff: The People of Colorado v. Defendant: _____	
<b>Filed by:</b> Name: _____ Address: _____ Phone _____ Fax: _____ Email: _____ Bar Number: _____ <small>(For lawyers)</small>	Case Number: _____ Division: _____ Courtroom: _____
<b>Order re Withdrawing a Guilty Plea</b>	

The court has considered the Defendant's request to withdraw their guilty plea under C.R.S. § 18-1-410.6. The Court finds and orders:

**1. Procedural Matters**

- The prosecution did not oppose the request or did not respond within 63 days of the Motion being served and is deemed unopposed.
- The prosecution opposed the request, and an evidentiary hearing was held on:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ In Courtroom: \_\_\_\_\_  
The hearing was:     Digitally Recorded (*FTR*).     Reported by \_\_\_\_\_.

**2. Findings of Fact**

- The Defendant is not a citizen of the United States of America.
- The Defendant plead guilty to a qualifying misdemeanor or municipal offense in this case. C.R.S. § 18-1-410.6(3)(a).
- The crime the Defendant plead guilty to occurred before March 1, 2022.

- The Court finds the Defendant is or will suffer the following adverse immigration consequences:

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- Other findings include:

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### 3. Legal Conclusions

- The Defendant's guilty plea was obtained in violation of the constitution or laws of Colorado or the United States of America, because:
- They were not adequately advised of the adverse immigration consequences by counsel.
- The defendant did not knowingly, intelligently, and voluntarily waive the right to counsel because the defendant was not advised that the right to counsel includes the right to be advised regarding the immigration consequences of a guilty plea.
- The guilty plea was constitutionally infirm under C.R.S. § 18-1-410(1)(a) to (1)(d), because:

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- The Defendant does not qualify under C.R.S. § 18-1-410.6 to have their plea withdrawn.

### 4. Decision

- The Defendant's *Motion to Withdraw Guilty Plea* is denied.
- The Defendant's Motion is granted. Their guilty plea is withdrawn. An arraignment hearing will be held on: *(date and time)*\_\_\_\_\_.

### So Ordered

Judge     Magistrate \_\_\_\_\_

\_\_\_\_\_ Dated