

STATE OF COLORADO  
7<sup>TH</sup> JUDICIAL DISTRICT  
DELTA, GUNNISON, HINSDALE, MONTROSE, OURAY & SAN MIGUEL COUNTIES

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**ADMINISTRATIVE ORDER 2018-03 (Effective March 2, 2018) Regarding Modification of Sentence and Collection of Restitution on Dismissed Cases After Deferred Judgment and Sentence**

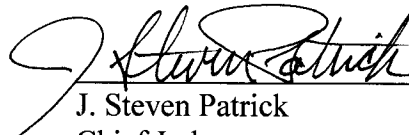
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Based on the recent Colorado Supreme Court ruling in *Pineda-Liberato v. People*, 403 P.3d 160 (Colo. 2017), dismissal of a charge upon completion of a deferred sentence did not deprive the trial court of authority to enforce a restitution order but the trial court did not have authority to collect the unpaid court costs and fees that were imposed as a condition of the deferred sentence.

**Order**

Based on the Supreme Court ruling noted above, the Clerk is authorized to appropriately modify sentences of cases where deferred adjudication (DFAD) or deferred sentence (DRSG) was granted, with a subsequent plea withdrawn (PLEW) and the finding dismissed (DISS) to remove unpaid court costs and fees. Any restitution and/or restitution interest balance shall remain under the jurisdiction of the Court, and shall be pursued and collected as with any other judgment and with any and all available remedies regardless of the dismissal of a deferred sentence. Any funds held in the registry for restitution paid in deferred sentences cases that were dismissed prior to March 7, 2014, shall be disbursed.

Done this 28<sup>th</sup> day of May, 2018.

  
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J. Steven Patrick  
Chief Judge

XC: 7<sup>th</sup> JD Judges  
7<sup>th</sup> JD Clerks of Court