

# Colorado District Attorneys' Council

1580 Logan Street, Suite 420

Denver, Colorado 80203-1941

(303) 830-9115

FAX (303) 830-8378

Thom LeDoux  
11<sup>th</sup> Judicial District  
PRESIDENT

Dan May  
4<sup>th</sup> Judicial District  
PRESIDENT-ELECT

Michael Rourke  
19<sup>th</sup> Judicial District  
FIRST VICE-PRESIDENT

Dan Hotsenpiller  
7<sup>th</sup> Judicial District  
SECRETARY/TREASURER

Larry Abrahamson  
8<sup>th</sup> Judicial District  
IMMEDIATE PAST  
PRESIDENT

Tom Raynes  
EXECUTIVE DIRECTOR

Cindy Nelson  
ADMINISTRATIVE  
OFFICER/TRAINING  
COORDINATOR

Craig S. Evans  
CHIEF INFORMATION  
OFFICER

- CDAC is a statutorily formed entity representing the interests of our member District Attorneys. 21 out of 22 judicial districts are members of CDAC. The Denver DA's office is the only non-participating DA's office in the state.
- CDAC's governing board consists of the 21 elected DAs who are members and nine Assistant District Attorneys. Associate members include the U.S. Attorney for Colorado, and the Colorado Attorney General.
- CDAC's mission is to promote, foster and encourage an effective administration of criminal justice in Colorado.
- As legislative liaisons, we at CDAC strive to provide legislators with data, drafting assistance, research and accurate information related to all criminal justice bills that will further enable legislators to make informed decisions.
- CDAC provides training and case management support to all of the member prosecutors and their staff throughout the state.
- CDAC provides POST certified training to law enforcement officers throughout the state.
- CDAC is responsible for one of five state hubs for the Colorado Integrated Criminal Justice Information System (CICJIS) in coordination and cooperation with State Judicial, the Department of Corrections, the Department of Youth Corrections, and the Colorado Bureau of Investigation.

## CDAC's Legal Staff

- Executive Director Tom Raynes – (Former Deputy for Criminal Justice for Attorney General John Suthers from 2007-2010, and former elected District Attorney for the 7<sup>th</sup> Judicial District.)
- Staff Attorney Chris Halsor (TSRP – federal grant position – former prosecutor in the 1<sup>st</sup> JD.)
- Staff Attorney Arnold Hanuman (POST grant position – former prosecutor in the 20<sup>th</sup> JD.)
- Staff Attorney Linda Johnston (Ending Violence Against Women program – federal VAWA grant position.)





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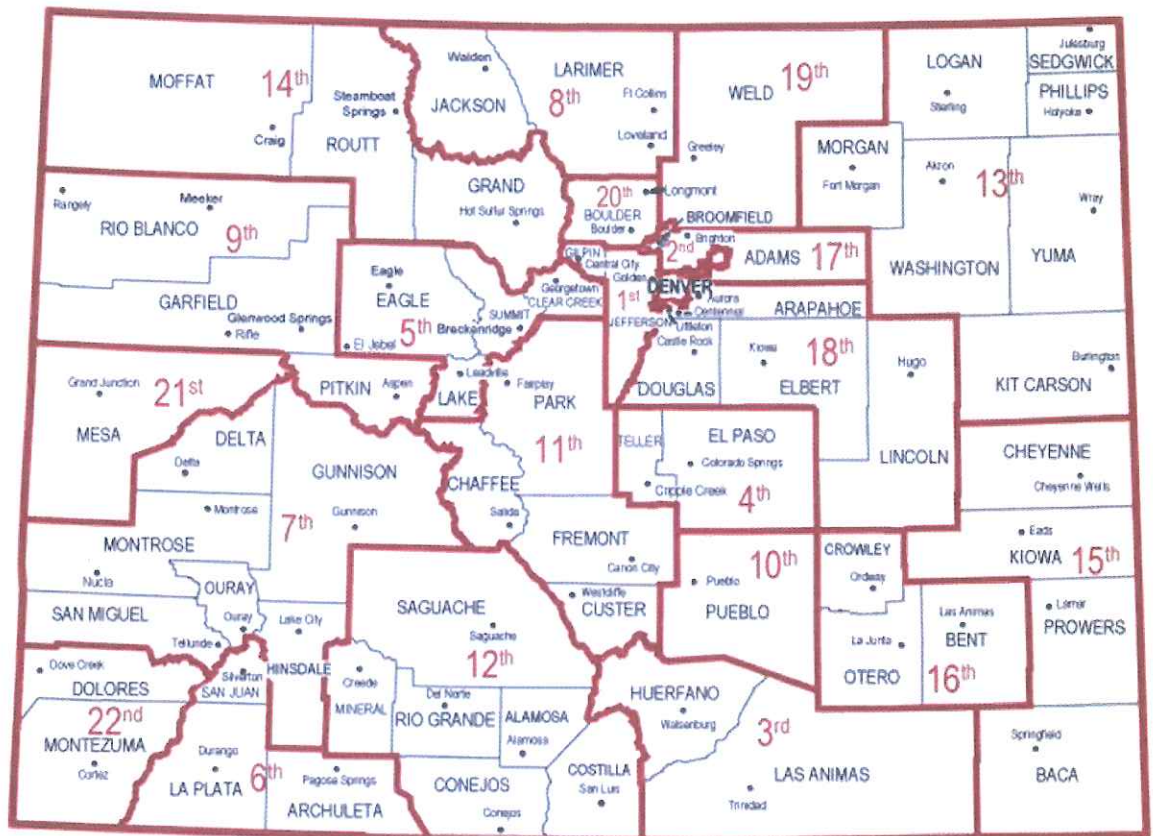
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# 2013 DA Listing

Modified: 1/2013

JUDICIAL DISTRICT	DISTRICT ATTORNEY	TELEPHONE	COUNTIES
1st	Hon. Peter Weir pweir@jeffco.us	(303) 271-6800 (303) 271-6888 (fax)	Gilpin, Jefferson
2nd	Hon. Mitch Morrissey *Not a CDAC member	(720) 913-9000 (720) 913-9035 (fax)	Denver
3rd	Hon. Frank Ruybalid fruybalid@comcast.net	(719) 846-9224 (719) 845-1632 (fax)	Huerfano, Las Animas
4th	Hon. Dan May dhm@elpasoco.com	(719) 520-6000 (719) 520-6185 (fax)	El Paso, Teller
5th	Hon. Bruce Brown bbrown@da5.us	(970) 453-2327 (970) 453-7524 (fax)	Clear Creek, Eagle, Lake, Summit
6th	Hon. Todd Risberg risbergtp@co.laplata.co.us	(970) 247-8850 (970) 259-0200 (fax)	Archuleta, San Juan, La Plata
7th	Hon. Dan Hotsenpiller dan.hotsenpiller@co7da.org	(970) 252-4260 (970) 252-4270 (fax)	Delta, Ouray, San Miguel, Gunnison, Hinsdale, Montrose
8th	Hon. Cliff Riedel riedelce@co.larimer.co.us	(970) 498-7200 (970) 498-7250 (fax)	Jackson, Larimer
9th	Hon. Sherry Caloia scaloia@9daco.org	(970) 945-8635 (970) 945-1304 (fax)	Garfield, Rio Blanco, Pitkin
10th	Hon. Jeff Chostner chostner@co.pueblo.co.us	(719) 583-6030 (719) 583-6666 (fax)	Pueblo
11th	Hon. Thom LeDoux tledoux@da11thjd.org	(719) 269-0170 (719) 269-0180 (fax)	Chaffee, Fremont, Custer, Park
12th	Hon. David Mahonee dmahonee@da12.state.co.us	(719) 589-3691 (719) 589-2734 (fax)	Alamosa, Conejos, Rio Grande, Costilla, Mineral, Saguache
13th	Hon. Brittney Lewton blewton@13thdistrictattorney.com	(970) 542-3420 (970) 542-3421 (fax)	Kit Carson, Logan, Morgan, Phillips, Yuma, Sedgwick, Washington
14th	Hon. Brett Barkey bbarkey@co.routt.co.us	(970) 824-7041 (970) 824-9190 (fax)	Grand, Routt, Moffat
15th	Hon. Jennifer Swanson jswanson@southeastcolorado.net	(719) 336-7446 (719) 336-2759 (fax)	Baca, Prowers, Kiowa, Cheyenne
16th	Hon. James Bullock jbullock@da16co.gov	(719) 384-8786 (719) 384-7330 (fax)	Bent, Otero, Crowley

<b>17th</b>	<b>Hon. Dave Young</b> dyoung@da17.state.co.us	(303) 659-7720 (303) 835-5522 (fax)	<b>Adams, Broomfield</b>
<b>18th</b>	<b>Hon. George Brauchler</b> gbrauchler@da18.state.co.us	(720) 874-8500 (720) 874-4501 (fax)	<b>Arapahoe, Elbert, Douglas, Lincoln</b>
<b>19th</b>	<b>Hon. Ken Buck</b> kbuck@co.weld.co.us	(970) 356-4010 (970) 352-8023 (fax)	<b>Weld</b>
<b>20th</b>	<b>Hon. Stanley L. Garnett</b> sgarnett@bouldercounty.org	(303) 441-3700 (303) 441-4703 (fax)	<b>Boulder</b>
<b>21st</b>	<b>Hon. Pete Hautzinger</b> pete.hautzinger@mesacounty.us	(970) 244-1730 (970) 244-1729 (fax)	<b>Mesa</b>
<b>22nd</b>	<b>Hon. Will Furse</b> wfurse@co.montezuma.co.us	(970) 565-3788 (970) 565-9396 (fax)	<b>Dolores, Montezuma</b>

**COLORADO CRIMINAL CODE PENALTIES**

<b>FELONIES COMMITTED ON OR AFTER JULY 1, 1993</b>					
<b>PRESUMPTIVE RANGE</b>			<b>EXCEPTIONAL CIRCUMSTANCES</b>		
<b>CLASS</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MANDATORY PAROLE</b>
1	Life Imprisonment	Death	Life Imprisonment	Death	
2	8 years \$5000 fine	24 years \$1,000,000 fine	4 years	48 years	5 years
3	4 years \$3000	12 years \$750,000	2 years	24 years	5 years
Extraordinary Risk Crime	4 years \$3000 fine	16 years \$750,000	2 years	32 years	5 years
4	2 years \$2000 fine	6 years \$500,000	1 year	12 years	3 years
Extraordinary Risk Crime	2 years \$2000 fine	8 years \$500,000	1 year	16 years	3 years
5	1 year \$1000 fine	3 years \$100,000	6 months	6 years	2 years
Extraordinary Risk Crime	1 years \$1000 fine	4 years \$100,000	6 months	8 years	2 years
6	1 year \$1000 fine	18 months \$100,000 fine	6 months	3 years	1 year
Extraordinary Risk Crime	1 year \$1000 fine	2 years \$100,000	6 months	4 years	1 year

**Crimes that present an extraordinary risk of harm to society shall include the following:**

1. Aggravated robbery, section 18-4-302
2. Child abuse, section 18-6-401
3. Unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense, section 18-18-405 (Note-not simple possession)
4. Any crime of violence as defined in section 18-1.3-406
5. Stalking, section 18-3-602, or section 18-9-111(4) as it existed prior to August 11, 2010
6. Sale of materials to manufacture controlled substances, section 18-18-412.7

\*Section 18-1.3-401 requires a court sentencing a person convicted of a felony committed on or after July 1, 1979, to impose a definite term of incarceration within the range established for the class of felony of which the person was convicted. If the court finds that extraordinary mitigating or aggravating circumstances are present to support a longer or shorter sentence than that permitted by the presumptive range, it may impose a definite term of incarceration with a range of half of the minimum presumptive sentence to twice the maximum presumptive sentence. In addition to the definite term of incarceration, a period of parole supervision is mandatory for persons convicted of class 2, 3, 4 and 5 felonies committed on or after July 1, 1979. The mandatory period of parole supervision for persons convicted of felonies committed between July 1, 1979 and July 1, 1984, is one year, for persons convicted of felonies committed on and after July 1, 1984, and before July 1, 1985, is three years, and for persons convicted of felonies committed on and after July 1, 1985, is a period not to exceed five years. (Section 17-22.5-303(4) and (7) and section 17.22.5-103 as it existed prior to the 1984 repeal and reenactment of article 22.5 of title 17. For the text and the former section, see Sessions Laws of 1979, page 668, or the 1983 Supplement to the 1978 Repl. Volume 8, Colorado Revised Statutes.) Release on parole of persons serving terms of life imprisonment for class 1 felonies committed on or after July 1, 1979, will remain within the discretion of the parole board (Section 178-2-201 (5)(a)). (Section 16-11-103(1)(b). Those convicted and serving terms of life imprisonment for Class 1 felonies committed on or after July 1, 1990, are not parole eligible.

TABLES REPRINTED WITH PERMISSION OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL

**Crimes subject to the indeterminate sentencing provisions of section 18-1.3-1004  
(offenses committed on or after November 1, 1998)**

1. Sexual assault, section 18-3-402
2. Sexual assault in the first degree, section 18-3-402, as it existed prior to July 1, 2000
3. Sexual assault in the second degree, section 18-3-403 as it existed prior to July 1, 2000
4. Felony unlawful sexual contact, section 18-3-404 (2)
5. Felony sexual assault in the third degree, section 18-3-404 (2) as it existed prior to July 1, 2000
6. Sexual assault on a child, section 18-3-405
7. Sexual assault on a child by one in a position of trust, section 18-3-405.3
8. Aggravated sexual assault on a client by a psychotherapist, section 18-3-405.5 (1)
9. Enticement of a child, section 18-3-305
10. Incest, section 18-6-301
11. Aggravated incest, section 18-6-302
12. Patronizing a prostituted child, section 18-7-406
13. Class 4 felony internet luring of a child, section 18-3-306(3)
14. Internet sexual exploitation of a child, section 18-3-405.4
15. Attempt, conspiracy, or solicitation to commit any of these offenses if such attempt, conspiracy, or solicitation would constitute a class 2, 3 or 4 felony.

**Unlawful sexual behavior requiring sex offender registration**

1. Any offense subject to the indeterminate sentencing provisions of section 18-1.3-1004
2. Unlawful sexual contact, section 18-3-404
3. Sexual assault in the third degree as it existed prior to July 1, 2000, section 18-3-404
4. Sexual assault on a client by a psychotherapist, section 18-3-405.5
5. Trafficking in children, section 18-3-502, or section 18-6-402 as it existed prior to April 21, 2010
6. Sexual exploitation of children, section 18-6-403
7. Procurement of a child for sexual exploitation, section 18-6-404
8. Indecent exposure, section 18-7-302
9. Soliciting for child prostitution, section 18-7-402
10. Pandering of a child, section 18-7-403
11. Procurement of a child, section 18-7-403.5
12. Keeping a place of child prostitution, section 18-7-404
13. Pimping of a child, section 18-7-405
14. Inducement of child prostitution, section 18-7-405.5
15. Engaging in sexual conduct in a correctional institution, section 18-7-701
16. Promotion of obscenity to a minor and wholesale promotion of obscenity to a minor, section 18-7-102
17. Public indecency, section 18-7-301(2)(b), with one prior for the same offense within five years, or two or more priors for the same offense in a lifetime.
18. Any offense for which the underlying factual basis involves any of these offenses
19. Attempt, conspiracy, or solicitation to commit any of these offenses.



### COLORADO CRIMINAL CODE PENALTIES

MISDEMEANORS COMMITTED ON OR AFTER JULY 1, 1993		
TYPE	MISDEMEANORS	
CLASS	MINIMUM	MAXIMUM
1	6 MONTHS \$500 FINE	18 MONTHS \$5,000 FINE
	EXTRAORDINARY RISK CRIME	6 MONTHS \$500 FINE      24 MONTHS \$5,000 FINE
2	3 MONTHS \$250 FINE	12 MONTHS \$1,000 FINE
3	\$50 FINE	6 MONTHS \$750 FINE

Misdemeanors which present an extraordinary risk or harm to society shall include the following:

- |   |   |
|---|---|
| 1) Child abuse;<br>2) Third degree assault;<br>3) Third degree sex assault prior to July 1, 2000;<br>4) Unlawful sexual contact, on and after July 1, 2000; | 5) Second degree sexual assault, prior to July 1, 2000;<br>6) Sexual assault, on and after July 1, 2000;<br>7) Violation of restraining order – 2 <sup>nd</sup> and subsequent offenses;<br>8) Failure to register as a sex offender. |
|---|---|

ACTS COMMITTED BEFORE JULY 1, 1993		
TYPE	MISDEMEANORS	
CLASS	MINIMUM	MAXIMUM
1	6 MONTHS \$500 FINE	24 MONTHS \$5,000 FINE
2	3 MONTHS \$250 FINE	12 MONTHS \$1,000 FINE
3	\$50 FINE	6 MONTHS \$750 FINE

TYPE	PETTY OFFENSES	
CLASS	MINIMUM	MAXIMUM
1	NONE	6 MONTHS \$500 FINE
2	FINE SPECIFIED IN SECTION DEFINING OFFENSE	

### MISDEMEANOR TRAFFIC OFFENSE PENALTIES

CLASS	MINIMUM	MAXIMUM
1	10 DAYS/\$300	1 YEAR/\$1,000
2	10 DAYS/\$150	90 DAYS/\$300

### TRAFFIC INFRACTION PENALTIES

CLASS	MINIMUM		MAXIMUM*
	INFRACTIONS COMMITTED BEFORE JANUARY 1, 1995	INFRACTIONS COMMITTED ON OR AFTER JANUARY 1, 1995	
A	\$10	\$15	\$100
B	\$5	\$15	\$100

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\* Except as provided in C.R.S. § 42-4-1701(4) and (5), or the section creating the offense.



**DRUNK DRIVING PENALTIES**  
(Offense on or after July 1, 2010)

**42-4-1307**

OFFENSE:	PENALTY:	FINE:	SENTENCING ALTERNATIVES:
1 <sup>st</sup> DUI, DUI per se, Habitual User	5 days – 1 Year, the court can suspend all jail with alcohol evaluation, Level I or II and monitored abstinence for one year; 48-96 Hours Useful Public Service; and up to 2 years probation.	\$600- \$1000	Sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for entire sentence.
1 <sup>st</sup> DUI, DUI per se at .20 BAC or above	10 days – 1 Year, the court <b>cannot suspend the 10 days.</b> 48-96 Hours Useful Public Service; and up to 2 years probation.	\$600- \$1000	Sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for entire sentence.
1 <sup>st</sup> DWAI	2-180 days, the court can suspend all jail with alcohol evaluation, Level I or II, and monitored abstinence for one year; 24-48 hours Useful Public Service; and up to 2 years probation	\$200- \$500	Sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for entire sentence.
1 <sup>st</sup> DWAI at .20 BAC or above	10 days – 1 Year, the court <b>cannot suspend the 10 days.</b> 24-48 Hours Useful Public Service; and up to 2 years probation.	\$200- \$500	Sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for entire sentence.
DUI, DUI per se, Habitual User DWAI AND within 5 years has <u>one prior conviction for:</u> DUI, DUI per se, DWAI, Habitual User, Vehicular Homicide (based on under the influence), Vehicular Assault (based on under the influence), Felony HTO (based on DUI or DWAI), or DUR (alcohol related)	10 days – 1 Year, the court cannot suspend the 10 days. For the 10 days: must be served consecutive, no earned time, no good time, no trusty prisoner status; 48-120 hours Useful Public Service; 2 to 4 years probation, 2 years is mandatory to commence at the start of the sentence -- condition of 1 year suspended jail required (if imposed no credit to be given for any period of imprisonment previously served), condition of Level II treatment program required.	\$600- \$1000	No sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for the minimum mandatory jail except for general work release IF the county has such a program and at the time of sentencing defendant was employed, enrolled in school, or enrolled in Level II treatment. Day for day credit pursuant to 18-1.3-106(12) is not permitted for any sentence to a county jail alternative program.
DUI, DUI per se, Habitual User DWAI AND has, within his/her lifetime, <u>one prior conviction for:</u> DUI, DUI per se, DWAI, Habitual User, Vehicular Homicide (based on under the influence), Vehicular Assault (based on under the influence), Felony HTO	10 days – 1 Year, the court cannot suspend the 10 days. For the 10 days: must be served consecutive, no earned time, no good time, no trusty prisoner status; 48-120 hours Useful Public Service; 2 to 4 years probation, 2 years is mandatory to commence at the start of the sentence – condition of 1 year suspended jail required (if imposed no credit to be given for any period of imprisonment previously served), Level II treatment program required.	\$600- \$1000	Sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for entire sentence. Day for day credit pursuant to 18-1.3-106(12) is not permitted for any sentence to a county jail alternative program.

(based on DUI or DWAI), or DUR (alcohol related)			
DUI, DUI per se, Habitual User DWAI AND has, within his/her lifetime, <u>two or more prior convictions for:</u> DUI, DUI per se, DWAI, Habitual User, Vehicular Homicide (based on under the influence), Vehicular Assault (based on under the influence), Felony HTO (based on DUI or DWAI), or DUR (alcohol related)	60 days – 1 Year, the court cannot suspend the 60 days. For the 60 days: must be served consecutive, no earned time, no good time, no trusty prisoner status, no sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention; 48-120 hours Useful Public Service; 2 to 4 years probation, 2 years is mandatory to commence at the start of the sentence – condition of 1 year suspended jail (if imposed no credit to be given for any period of imprisonment previously served), condition of Level II treatment program required; up to 4 years of probation permitted.	\$600 - \$1000	No sentencing alternatives pursuant to 18-1.3-106, such as general work release and in home detention, permitted for the minimum mandatory jail except for general work release IF the county has such a program and at the time of sentencing defendant was employed, enrolled in school, or enrolled in Level II treatment. Day for day credit pursuant to 18-1.3-106(12) is not permitted for any sentence to a county jail alternative program.