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| District Court, Adams County, Colorado Court Address: 1100 Judicial Center Drive  Brighton, CO 80601 | ILED: November 26, 2017 10:05 AM ID: 1B271DEBF8F87  UMBER: 2016CR2117   COURT USE ONLY  |
| THE PEOPLE OF THE STATE OF COLORADO,  Plaintiff DATE  FILING  CASE  v.  JUAN RAMIREZ-CABRERA,  Defendant |
| Douglas K. Wilson, Colorado State Public Defender Renae L. Mundis #44821  Deputy State Public Defender Brighton Regional Public Defenders  4710 East Bromley Lane, Brighton CO 80601  Phone: (303) 659-4274 Fax: (303) 659-6935  E-mail: [brighton.defenders@state.co.us](mailto:brighton.defenders@state.co.us) | Case No. 16CR2117  Division L |
| **MOTION TO RECONSIDER SENTENCE PURSUANT TO C.R.C.P 35(b)** | |

Juan Ramirez-Cabrera, by and through counsel, respectfully requests this Court to reconsider his sentence from the 18 months in community corrections to a period of probation. As grounds for this request, Mr. Ramirez-Cabrera states the following:

# Facts

1. On November 20, 2017, Mr. Ramirez-Cabrera was sentenced on a class 6 felony of Aggravated Motor Vehicle Theft. The presentence report recommended probation with increased cognitive therapy as a focus for Mr. Ramirez-Cabrera’s repeat offending with similar crimes.

# Law

1. In ruling on a motion for sentence reconsideration, relevant and material factors include new evidence as well as facts known at the time the original sentence was pronounced. *See Mikkleson v. People*, 618 P.2d 1101 (Colo. 1980) (court may consider all relevant and material factors which may affect decision whether to reduce original sentence); *People v. Bridges*, 662 P.2d 161 (Colo. 1983) (court may consider developments subsequent to filing of motion for reconsideration which are favorable to granting of motion); *Ghrist v. People*, 897 P.2d 809 (Colo. 1995) (court may consider all evidence presented at reconsideration hearing, including evidence of exemplary conduct while incarcerated).
2. The Court in general sentencing should weigh the purposes of sentencing found in

C.R.S. § 18-1-102.5, which paraphrased are (1) punishment, (2) fair and consistent treatment by eliminating unjustified disparities, (3) prevention of crime and promoting respect for the law both in the general public (“general deterrence”) and in the individual offender (“specific deterrence”), and (4) rehabilitation.

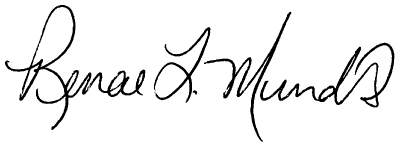
# Argument

* 1. Mr. Ramirez-Cabrera is respectfully asking this court to reconsider his sentence to a period of probation. Mr. Ramirez-Cabrera presents as a man with little insight into his criminal activities, but with stabilizers that would make him an appropriate candidate for a probationary sentence. Mr. Ramirez-Cabrera is a long-term Legal Permanent Resident, residing in Colorado since 1988. Mr. Ramirez-Cabrera maintains full time employment and has worked with the same company for a period of 10 years before moving to his current job for a pay increase.
  2. Mr. Ramirez-Cabrera also has a wife and two children living in Mexico. He is the primary provider of income for his family. The need to support both households is a huge motivator for Mr. Ramirez-Cabrera to engage with probation.
  3. A probationary sentence will not only give him the opportunity to remain out of custody and working to support his family (*the anticipated wait time for a bed space is 8-10 weeks*) but will also permit Mr. Ramirez-Cabrera the opportunity to immediately begin repaying the restitution owed in this case. Despite raising an initial objection at the sentencing hearing, Mr. Ramirez-Cabrera has filed notice withdrawing his objection to the restitution requested in this case.
  4. Additionally, throughout the pendency of this case, Mr. Ramirez-Cabrera was engaged with the immigration courts attempting to sort out issues with his residency created by his most recent case. Mr. Ramirez-Cabrera has additional desire to complete probation successfully so it will help him in continuing his lawful status in the United States.
  5. Mr. Ramirez-Cabrera is requesting that this honorable court convert his sentence from community corrections to a period of probation and grant him the current credit time served as an appropriate punitive sanction.

WHEREFORE, Mr. Ramirez-Cabrera respectfully moves this Court to reconsider his sentence pursuant to Colorado Rule of Criminal Procedure 35(b). Mr. Ramirez-Cabrera further requests a hearing on the matter.

DOUGLAS K. WILSON

COLORADO STATE PUBLIC DEFENDER



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| Renae L. Mundis #44821 Deputy State Public Defender 4710 East Bromley Lane Brighton, CO 80601  (303) 659-4274 | **Certificate of Service**  I hereby certify that on November 26, 2017, copies of the foregoing document were served via ICCES on all opposing counsel of record. /s/ Renae L. Mundis |

Dated: November 26, 2017