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| DATE  DISTRICT COURT, ADAMS COUNTY, COLORADOFILING  CASE N  1100 Judicial Drive  Brighton, Colorado 80601  **PLAINTIFF:** PEOPLE OF THE STATE OF COLORADO  **DEFENDANT:** PABLO GUTIEREZ | ILED: October 31, 2017 4:15 PM  ID: 8CEB463A68B42 UMBER: 2014CR2365  COURT USE ONLY |
| Attorney for Defendant:  Tara Jorfald, Reg. No. 46193 (ADC) THE NOBLE LAW FIRM, LLC  215 Union Boulevard, Suite 305  Lakewood, CO 80228  Tel: (303) 232-5160  Fax: (303) 232-5162  Email: [tara@noble-law.com](mailto:antony@noble-law.com) | Case No. 14CR2365  Division 3 |
| **MOTION FOR RULING ON**  **PETITION FOR POSTCONVICTION RELIEF PURSUANT TO CRIM. P. 35(c)** | |

Defendant Pablo Gutierez, by and through the undersigned counsel, files this motion for a ruling on his petition for postconviction relief pursuant to Crim. P. 35(c), and states as follows:

1. On July 6, 2016, Mr. Gutierez pleaded guilty to attempt to influence a public servant and driving under the influence.
2. On August 17, 2016, the court sentenced Mr. Gutierez to four years in the Department of Corrections on the attempt to influence a public servant conviction and a concurrent one-year term in jail on the driving under the influence conviction.
3. On March 1, 2017, Mr. Gutierez filed a timely pro se combined Crim. P. 35(a) and 35(c) petition for postconviction relief in which he asserted the following claims:
   1. The court erred by imposing a sentence against him in the absence of a provision to do so under the sentencing scheme statutes pursuant to section 18-1.3-401, C.R.S.
   2. He was denied due process of law regarding the confiscated

$59,500.00 that was found in the trunk of his car before he was sentenced by the court.

* 1. He was denied due process of law of a preliminary hearing.
  2. He was denied due process of law of a PSIR hearing.
  3. Authorities erred in setting his bail amount before the court could inform him under Crim. P. 5(a)(1)(2)(V).

1. On March 30, 2017, Mr. Gutierez filed an addendum to his combined Crim. P.

35(a) and 35(c) petition, in which he asserted the following claims of ineffective assistance of counsel:

1. Counsel did not address the absence of his “Miranda warning” after his arrest.
2. Counsel did not object to imposition of a “conviction” and “sentencing” of him in absence of a “provision” that would allow/exclude him performance of “mandatory period of parole” under section 18-1.3-401(v)(a)(b), C.R.S.
3. On May 23, 2017, the district court appointed the public defender, who subsequently withdrew because of a conflict of interest. On June 21, 2017, the court appointed the Office of Alternate Defense Counsel (ADC) and ordered the ADC to respond within 49 days as to whether Mr. Gutierez’s claims have merit and whether more time is needed to investigate the claims that have merit.
4. Undersigned counsel was appointed by the ADC on July 27, 2017. This court granted an extension of time until November 8, 2017, to file a supplemental petition.
5. Undersigned counsel has met with Mr. Gutierez, reviewed the court file and transcripts, and investigated and researched his claims, and, after consulting with undersigned counsel, Mr. Guiterez has decided that he does not want to file a supplemental petition. Instead, he wants the court to rule on his pro se petition.

Mr. Gutierez, by and through undersigned counsel, therefore requests a ruling on all of his claims in the pro se petition.

Dated this 31st day of October 2017.

Respectfully submitted,

THE NOBLE LAW FIRM, LLC

s/ Tara Jorfald

Tara Jorfald, Reg. No. 46193

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I certify that on this 31st day of October 2017, this **MOTION FOR RULING ON PETITION FOR POSTCONVICTION RELIEF PURSUANT TO CRIM. P. 35(c)** was

served via Colorado Courts E-Filing on the Office of District Attorney.

s/ Tara Jorfald