

District Court, Jefferson County, Colorado 100 Jefferson County Parkway, Golden, Colorado	DATE FILED January 22, 2024 10:54 AM FILING ID: EE262228A8987 CASE NUMBER: 2022CR3360 σ COURT USE ONLY σ
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. DESIREE GONZALEZ, Defendant	
MEGAN RING, State Public Defender Chelsea Lauwereins, No. 55011 Deputy Public Defender Golden Regional Office 560 Golden Ridge Road, #100, Golden, CO 80401 Phone: (303) 279-7841 Fax: (303) 279-3082 Email: chelsea.lauwereins@coloradodefenders.us	Case No. 22CR3360 Division 7
MOTION TO MODIFY BOND CONDITIONS TO ALLOW MS. GONZALEZ TO RETURN HOME	

Ms. Gonzalez, through Counsel, respectfully moves this Court to order Pretrial Services to modify the exclusion zones to allow Ms. Gonzalez to return home. The grounds for this motion are as follows:

1. Ms. Gonzalez was recently released from custody on a \$250,000 cash or surety bond with the condition that she comply with GPS monitoring and all protection orders in this case.
2. Since being released, Ms. Gonzalez has not been able to return home due to the extensive exclusion zones that pretrial has established.
3. On January 19, 2024, undersigned counsel was able to speak with pretrial officer Stephanie Maraggos, who noted that the standard perimeter of an exclusion zone around a protected area is one mile and that these exclusion zones would be placed on the homes and workplaces of each alleged victim in the case as well as the city council building itself. Counsel notes that no explanation for the mile perimeter was given nor is such a large exclusionary area necessary to ensure the protection orders are not violated.
4. Given the six named alleged victims and the large area that is excluded per protected area, Ms. Chavez is unable to return to her home without entering at least one exclusion zone to do so. Instead, despite her indigent status as noted by her accepted application with the Colorado Public Defender's office, she has been paying thousands of dollars to stay in a hotel to avoid entering any of the extensive exclusion zones. *See Exhibit A.*
5. Exclusion zones have been added numerous times at the request of the alleged victims without any hearing by the court, nor any indication, such as a filed notice, that such zones are additional home or workplaces of alleged victims in this case, violating Ms. Gonzalez's Due Process right.
6. In effect, pretrial is acting in lieu of a court order and in lieu of a hearing in the role of the judiciary by adding exclusion zones to Ms. Gonzalez's bond. Of note, when Ms. Gonzalez was last out of custody and ordered to comply with the existing protection orders, she was not excluded from her own home. It was not until a GPS unit was placed on Ms. Gonzalez and

exclusion zones were established by pretrial services, undermining the authority of the court, that she was unable to return home.

7. Ms. Gonzalez notes that she understands the protection orders and does not intend to violate such. Of note, she and undersigned counsel are not even in receipt of the addresses of the alleged victims and it is unlikely that a willful violation could therefore occur at these residences.
8. Both the United States Constitution's 14th Amendment Due Process clause as incorporated to the states and Colorado Constitution Article II, Section 3, recognize that an individual has a right to establish a home. Such right is being violated by the extensive exclusion zones that exclude Ms. Gonzalez from her residence.
9. Further, to exclude Ms. Gonzalez from any route to her house is akin to a taking under the U.S. Constitution's Fifth Amendment or the state equivalent in Article II, Section 14 of the Colorado Constitution.
10. Of further note, Ms. Gonzalez intends to spend most of her time at the residence and is not objecting to the additional exclusionary zones but solely requests to be able to reside at her home.
11. The purpose of bail is to secure an accused's presence at trial, not to punish an accused prior to conviction. *Lucero v. Dist. Ct.*, 532 P.2d 955 (1975).
12. Colorado law indicates that a court must consider an accused's individual circumstances in crafting the "appropriate and least restrictive conditions" to reasonably ensure the person's appearance while also accounting for community safety. C.R.S. 16-4-103(3)(a),(4)(a).
13. Alternative, less restrictive options, are available in this case. Specifically, the exclusion zones could be reduced in size or an inclusion zone could be established to allow Ms. Gonzalez to use specific roadways to get to her residence.

WHEREFORE, Ms. Gonzalez respectfully moves this Court to establish a corridor or roadway that she can use to exit and return to her home bypassing the existing exclusion zones. In the alternative, Ms. Gonzalez asks to set a hearing on the matter.

/s/Chelsea Lauwereins

Chelsea Lauwereins, No. 55011
Deputy State Public Defender

Certificate of Service

I certify that on January 22, 2024, I served the foregoing document by delivering same to all opposing counsel.

/s/Chelsea Lauwereins

Dated: January 22, 2024