

DISTRICT COURT, JEFFERSON COUNTY, COLORADO		<p>DATE FILED December 19, 2023 10:45 AM CASE NUMBER: 2022CR3360</p> <p>△ COURT USE ONLY △</p> <p>Case Number: 2022CR3360 Division: 7 Courtroom:</p>
Court Address: 100 JEFFERSON COUNTY PARKWAY, GOLDEN, CO, 80401-6002		
THE PEOPLE OF THE STATE OF COLORADO		
v. Defendant(s) DESIREE GONZALEZ		
Order: MOTION TO ADDRESS BOND AND SET HEARING TO DO SO		

The motion/proposed order attached hereto: ACTION TAKEN.

THIS MATTER comes before the Court on Defendant's Motion to Set Hearing to Address Bond. The Court is apprised of the file.

The Court will address bond at the Motions Hearing set on January 3, 2024 at 9:00am.

Issue Date: 12/19/2023



MEEGAN ALAINE MILOUD
District Court Judge

District Court, Jefferson County, Colorado 100 Jefferson County Parkway Golden, CO 80419	<div style="text-align: center;">◆ COURT USE ONLY ◆</div>
PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. DESIREE GONZALEZ, Defendant.	
MEGAN A. RING, Colorado Public Defender Chelsea Lauwereins, No. 55011 Deputy Public Defender Golden Regional Office 560 Golden Ridge Road, #100 Golden, CO 80401 Ph. (303) 279-7841 Fx. (303) 279-3082 Chelsea.lauwereins@coloradodefenders.us	Case Number: 22CR3360 Division: 7
MOTION TO ADDRESS BOND AND SET HEARING TO DO SO	

Ms. Desiree Gonzalez, by and through undersigned counsel, respectfully requests this Court to modify her bond. As grounds for this Motion, Ms. Gonzalez states the following:

1. Ms. Gonzalez is being held on a \$250,000 cash only bond and has no ability to pay, making such bond akin to a no bond hold.
2. Ms. Gonzalez requests the court set a hearing to address her high bond and lengthy pretrial incarceration in this case. Of note to the court, one major change in Ms. Gonzalez's circumstances is having a new attorney on her case who was required to continue her Jury Trial date in order to catch up on the case.
3. Counsel is prepared to argue additional changes in Ms. Gonzalez's circumstances and factors of stability at a bond hearing to be set as soon as practicable.
4. In Colorado, "all persons **shall** be bailable by sufficient sureties pending disposition of charges" with limited exceptions. *Colo. Const. art. II, 19(1)*.
5. The current bond is set higher than reasonably calculated to ensure the presence of the accused and is therefore excessive and unconstitutional under the Eight Amendment. *Stack v. Boyle*, 342 U.S. 1, 5 (1951). The Colorado Constitution provides similar protections. *Colo. Const. art. II 19,20*.
6. It is unconstitutional to fix "excessive bail to assure a defendant will not gain his freedom." *Bandy v. U.S.*, 81 S.Ct. 197 (1960).
7. Colorado courts have recognized the perils of pretrial detention and their disproportionate impact on our poorest and most marginalized. *See, e.g. People v. Jones*, 489 P.2d 596 (1971).

8. “[A] defendant who is confined solely because of his indigency belongs to a class that is completely unable to pay for some desired benefit, here the benefit of being free on bail pending trial. Such a defendant consequently sustains an absolute deprivation of a meaningful opportunity to enjoy that benefit.” *Godbold v. Wilson*, 518 F.Supp 1265 (D.Colo. 1981).
9. 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).
10. Colorado law presumes that a person in custody is eligible for release. C.R.S. 16-4-103(4)(a), C.R.S. Such a release requires the court to consider an accused’s individual circumstances, including financial condition, while 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).

WHEREFORE, Ms. Gonzalez respectfully requests a modification of the bond set in this case and asks to be heard on bond at a hearing to be set as soon as practicable.

Respectfully submitted,

//s// Chelsea Lauwereins

Chelsea Lauwereins, No. 55011
Deputy State Public Defender

Dated: December 12, 2023

Certificate of Service

I certify that on
12/12/23, I served the
foregoing document by delivering
same to all opposing counsel.

//s// Chelsea Lauwereins