

ADMINISTRATIVE ORDER - Completion of Deferred Sentence or "Person in Need of Treatment" Suspended Sentence

Whereas statute 18-1.3-102 (2) reads:

"Application for entry of judgment and imposition of sentence may be made by the district attorney or a probation officer at any time within the term of the deferred judgment or within thirty days thereafter."

and whereas statute 18-18-404 (3) reads:

"If, during the period of this treatment, such person does not violate any of the conditions set forth by the court, the court, upon the expiration of such period, shall discharge such person and dismiss any further proceedings against him or her."

Thus when no application is received by either the district attorney nor the probation department, within the allowable statutorily defined time period, the division clerk is given the authority to dismiss the deferred or suspended sentence count and vacate any outstanding restraining order that was in effect for the length of the sentence.

Dated: 11/17/03

BY THE COURT:



Charles A. Buss
Chief Judge