

DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO Clerk of the Courts 100 Jefferson County Parkway Golden, CO 80401-6002 (720) 772-2500	DATE FILED: February 09, 2021 10:28 AM
PEOPLE OF THE STATE OF COLORADO,  vs.  JENNIFER EMMI, Defendant.	<input type="checkbox"/> Court Use Only <input type="checkbox"/>
Attorneys for the Defendant: Malcolm B. Seawell, #20983 1837 South Bellaire Street, Suite 1400 Denver, CO 80222 Phone Number: (303) 297-3200 Fax Number:      (303) 832-2012 E-mail:                  Malcolm@SeawellLaw.com  M. Colin Bresee, #25452 78 West 11th Avenue Denver, CO 80204 Phone Number: (303) 377-0100 Fax Number:      (303) 534-0400 E-mail: <a href="mailto:colin@bresee.com">colin@bresee.com</a>	21CR263  Division: J
ENTRY OF APPEARANCE	

1...ENTRY OF APPEARANCE: Malcolm B. Seawell, Attorney at Law, Registration No. 20983, and M. Colin Bresee, Attorney at Law, Registration No. 25452, enter their appearance as counsel of record for the above-named defendant.

2...WAIVER OF ADVISEMENTS: The defendant waives any reading and explanation of the charges, penalties, his rights, etc., and any other advisements that are due now.

3...DEMAND FOR PRELIMINARY HEARING: The defendant demands a preliminary hearing be set herein. The defendant is out of custody and waives the 35-day rule applicable to setting a preliminary hearing.

4...MOTION FOR DISCOVERY: The defendant moves for all available discovery and asks that the discovery be updated as new information, evidence, and materials become available. Counsel realizes that it is a self-executing rule and ethically not to be requested, unfortunately, based on prior Court rulings that specific requests must be made, the Defendant is compelled to ask for discovery as follows:

a...A copy of the complaint or felony information and the names, addresses, phone numbers, e-mail addresses of all witnesses involved in this matter whether the District Attorney plans to call said witnesses or not;

b...All crime and/or offense reports; all supplemental reports; all reports and notes from any law enforcement officers involved in the case;

c...All statements of witnesses whether written, oral, and all body-cameras. If any body-cameras video or audio are turned off, including the policy written policy and/or procedures that authorize this.

d...All statements made by the defendant whether written or oral and from any source, be it the defendant personally, or someone who claims the defendant made such statements. Any *Miranda advisement* and any information that the defendant waived said advisement.

e...All transcripts of interviews or conversations or interrogations; Any forensic interviews conducted.

f...The names and addresses of any expert witnesses whom the state may call as expert witnesses, any resume or curriculum vitae providing the expert's background and qualifications, a report and any expert or lay opinions held, and the basis for the same. Any testing conducted by the expert and any results reached or conclusions and opinions formed.

g...All information regarding evidence being seized including evidence receipts;

h...All search and/or arrest warrants and any affidavits in support.

i...All probable cause determinations, custody reports, etc.

j...All CRE 404(b) related information and similar transactions,

k...All impeachment information and any evidence or information that may serve to negate the guilt of the accused and any potential punishment received herein.

5...FIRST ENDORSEMENT OF WITNESSES: The defendant hereby endorses all witnesses named in any witness list or endorsement attached to the felony complaint; or named in subsequent witness list or endorsement of witnesses submitted by the People; named in any witness list prepared by any law enforcement officer, or named or alluded to within the discovery and/or within any motion.

6...NOTICE OF POSSIBLE DEFENSES: The defendant may rely on the defense of general denial or any affirmative defense allowed under the Colorado Revised Statutes, including a lack of jurisdiction.

Respectfully submitted,

*M. Colin Brosse*

CERTIFICATE OF E-FILING AND E-SERVICE

I certify that on the date shown by the e-filing stamp, I e-filed a true copy of this motion/notice/pleading with the District Court and that as part of this electronic transaction, I served a true copy on the District Attorney's Office.

*M. Colin Brosse*

County Court, Jefferson County, Colorado Court Address: 100 Jefferson County Parkway , Golden, CO 80401	DATE FILED: February 08, 2021 12:36 PM
<b>PEOPLE OF THE STATE OF COLORADO,</b> Plaintiff v. <b>JENNIFER EMMI</b> Defendant	▲ COURT USE ONLY ▲
Benjamin Hand-Bender Deputy State Public Defender 560 Golden Ridge Road, #100 Golden, CO 80401 Phone Number: (303) 279-7841 FAX Number: (303) 279-3082 E-mail address: Ben.Handbender@coloradodefenders.us Attorney Registration Number: 52349	Case Number: 21CR263  Courtroom J
<b>ENTRY OF APPEARANCE</b>	

The Office of the Public Defender hereby moves the Court to appoint it as counsel for Defendant and states that the Defendant has been found indigent.

The defendant revokes and rescinds all releases, waivers and authorizations for the release of information which he may have heretofore made, and he hereby asserts all of his rights and privileges under Colorado and Federal rules, statutes and principles.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

*Benjamin Hand-Bender*

Benjamin Hand-Bender #52349  
Deputy State Public Defender

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via CCEF to all opposing counsel. / Sarah Logan

County Court, Jefferson County, Colorado Court Address: 100 Jefferson County Parkway , Golden, CO 80401	DATE FILED: February 08, 2021 12:36 PM
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<b>INVOCATION OF RIGHTS</b>	

The defendant asserts the right to counsel and to silence and to have counsel present during any interrogation by police, agents, or prosecutors about this case or any other case. U.S. Const., Amend. V & VI; Colo. Const. Art. II, sec. 16 & 18. The defendant revokes and rescinds all releases, waivers and authorizations for the release of information previously made and asserts all rights and privileges under Colorado and federal rules, statutes and principles.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

*Benjamin Hand-Bender*

Benjamin Hand-Bender #52349  
Deputy State Public Defender

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<b>MOTION FOR PRELIMINARY HEARING</b>	

Defendant moves for a preliminary hearing, and if in custody, waives appearance at the demand date, pursuant to C.R.Crim.P Rule 5 and C.R.S. §16-5-301.

The defendant revokes and rescinds all releases, waivers and authorizations for the release of information which he may have heretofore made, and he hereby asserts all of his rights and privileges under Colorado and Federal rules, statutes and principles.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

*Benjamin Hand-Bender*

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<b>MOTION FOR PRESERVATION AND PRODUCTION OF EVIDENCE</b>	

The defendant requests that the prosecutor and law enforcement agencies involved in the investigation or prosecution of this case preserve all physical evidence in this case, including bodily fluids, and provide to the defendant pursuant to C.R.C.P. 16 any recordings of radio, telephone or other communications between law enforcement officers and any other person(s) pertaining to this case, photographs, video media, surveillance tapes, 911 calls, police dispatch tapes, all police reports, oral and written witness statements, criminal histories of the accused and witnesses, and reports and statements of experts. The defendant objects to the destruction, release, alteration, or testing of any evidence observed, collected or held in connection with this case by the district attorney or law enforcement, or their agents.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

*Benjamin Hand-Bender*

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<b>MOTION AND NOTICE TO REDUCE OR MODIFY BOND</b>	

The defendant, through this motion, gives notice that a bond reduction or modification will be requested at the next scheduled hearing in this matter, specifically at preliminary hearing.

The defendant gives this notice pursuant to §16-4-109 C.R.S. and Art. II, Sec. 16(a) of the Colorado Constitution.

As grounds for this motion, the defendant states:

1. Due to defendant's indigency, defendant is unable to post the bond previously set.
2. Defendant understands the obligation to appear whenever ordered by the Court, is willing to be supervised, and will adhere to any other reasonable conditions of bond imposed by the Court.
3. Additional information to be presented to the Court at the scheduled hearing.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

*Benjamin Hand-Bender*

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Deputy State Public Defender

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<b>MOTION FOR DISCOVERY</b>	

Defendant moves for an Order directing the prosecuting attorney to immediately provide discovery, pursuant to C.R.Crim.P. 16(I)(a)(b)and(c) and the United States and Colorado Constitutions, of the following materials relevant to this case:

1. The names and addresses of all witnesses whom the prosecution intends to call at trial. All police, arrest, crime, and offense reports, including written or recorded statements of all witnesses, the accused, and any co-defendant.

2. Any reports or statements of experts made in connection with this case, including, but not limited to, results of physical or mental examinations, and/or scientific tests, experiments, or comparisons.

3. Any books, papers, documents, photographs, or tangible objects held as evidence in connection with this case.

4. Any record or prior criminal convictions of the accused, any co-defendant, or any person the prosecuting attorney intends to call as a witness in this case.

5. Any relevant material or information provided by an informant, the nature of such material or information, and the compensation made to said informant.

6. Any promise, benefit, or other inducement made by the government to any witness, prospective witness, or other person in exchange for such person's testimony or aid in this case.

7. All tapes and transcripts of any electronic surveillance (including wiretaps) or conversations involving the accused, any co-defendant, or witness in this case.

8. Any material or information which might tend to negate the guilt of the Defendant, be relevant to the credibility or impeachment of prosecution witnesses, or would tend to reduce Defendant's punishment.

9. The names and addresses of persons whom the prosecuting attorney intends to call as witnesses at any hearing or trial together with their relevant written or recorded statements.

10. Any written or recorded statements and the substance of any oral statements made by the accused or made by a co-defendant.

11. Any other material or information, the disclosure of which is permitted, required, or allowed by Rule 16.

The defendant revokes and rescinds all releases, waivers and authorizations for the release of information which he may have heretofore made, and he hereby asserts all of his rights and privileges under Colorado and Federal rules, statutes and principles.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

*Benjamin Hand-Bender*

Benjamin Hand-Bender #52349  
Deputy State Public Defender

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via CCEF to all opposing counsel. / Sarah Logan

FELONY MINUTE ORDERS - COUNTY COURT

Atty for Deft:  Private Attorney  Public Defender  ADC appointed

Case No 21CR203 Div J9  
Deft Name Emmi, Jennifer Reba

Atty Name \_\_\_\_\_ Reg # \_\_\_\_\_  
Probable cause found for warrantless arrest:  yes  no Judge \_\_\_\_\_ Date DATE FILED: February 01, 2021 5:06 PM

Non-est return on summons. Cont to \_\_\_\_\_ at 10:00 am  
 Arrest warrant ordered on affidavit. Date \_\_\_\_\_ Bond \_\_\_\_\_ Judge \_\_\_\_\_

FIRST APPEARANCE / ADVISEMENT Date 1/26/21 Judge Burbeck

Deft Appr'd  pro se  with ATD Egan  
Deft  in custody  on bond  on summons  on writ  on warrant

MROG  advised of rights, nature of charges, right to PH / DH  
 MRIG  victim(s) / conds \_\_\_\_\_

DA to file complaint by 2/1/21 at 10:00 am  
 Deft given copy of complaint:  read to defendant  reading waived  
 Cont to \_\_\_\_\_ for filing demand for PH / DH  
 Deft found not indigent  Deft found indigent  PD fee waived  PD apptd  indigency deferred  
 P.D. conflict. ADC appointed \_\_\_\_\_

BOND SETTING Date 1/26/21 Judge BAB

Bond set \$ 3,000,000 cash  C/S  PR  PR co-signed by \_\_\_\_\_  
Conditions:  CPS  no weapons adjusted only by Defendant  
 Pre-Trial  EHM CPS prior to bond;  no contact w/ victim(s) comply w/ pre-arrest  
 no alc/drugs  no driving w/o valid lic / ins Brady  
 Random UA / BA  no driving w/o valid lic / ins Relinquishment

BOND MODIFICATION Date \_\_\_\_\_ Judge \_\_\_\_\_

Bond \$ \_\_\_\_\_  C/S  PR  PR co-signed by \_\_\_\_\_  
Conds  same  CPS  
 Pre-Trial  no weapons  no contact w/ victim(s)  
 no alc/drugs  EHM  
 random UA / BA  no driving w/o valid lic / ins

RETURN FOR FILING CHARGES Date 2-1-21 Judge Magid

Deft. Appr'd  pro se  with ATD \_\_\_\_\_  
Deft  in custody  on bond  on summons  on writ  on warrant  
 no charges filed & bond discharged  deft ordered released from custody  
 Deft given copy of complaint:  read to defendant  reading waived  
 Cont to 2-26-21 @ Pam for filing demand for PH / DH.  Waive App  
 Deft found not indigent  Deft found indigent  PD fee waived  PD apptd  indigency deferred  
 P.D. conflict. ADC appointed \_\_\_\_\_

DEMAND FOR PRELIMINARY HEARING / DISPOSITIONAL HEARING

Date \_\_\_\_\_ Judge \_\_\_\_\_  
Deft appr'd  on bond  on summons  in custody  on warrant  
Deft  pro se  with ATD \_\_\_\_\_  
PH / DH set \_\_\_\_\_ am / pm  
 30 day waiver signed  bond cont  summons cont  
 Deft in custody, appearance waived by attorney  jail notified  DA to writ



**DEFENDANT'S SWORN STATEMENT  
REGARDING POSSESSION OF FIREARMS AND/OR AMMUNITION**

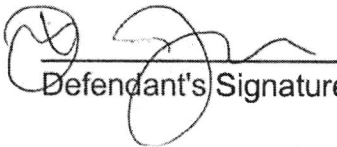
DATE FILED: January 26, 2021 3:39 PM

Defendant's Name: Emmi Jennifer

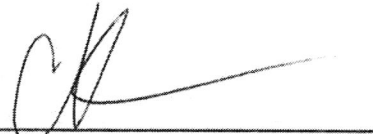
Case #: 21CR263

**Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.**

I do not now own or possess or have in my immediate possession or control or subject to my immediate possession or control any firearm or ammunition and acknowledge that I am restrained from possessing or purchasing any firearm or ammunition for the duration of the mandatory Protection Order issued in this case.

  
Defendant's Signature

1-26-21  
Date

  
Witness' Signature

NOTICE TO DEFENDANT OF COURT ORDER

Defendant's Name: Emmi Jennifer

DATE FILED: January 26, 2021 6:39 PM  
Case #: 21CR203

The Court has issued a mandatory Protection Order in your case. You are ordered to:

- (A) Refrain from possessing or purchasing any firearm or ammunition for the duration of the Order; and
- (B) Relinquish, for the duration of the Order, any firearm or ammunition in your immediate possession or control or subject to your immediate possession or control.

You shall relinquish any firearm or ammunition not more than twenty-four (24) hours after being served with the Order; except that a Court may allow a defendant up to seventy-two (72) hours to relinquish a firearm or up to five (5) days to relinquish ammunition if the defendant demonstrates to the satisfaction of the Court that he or she is unable to comply within the twenty-four (24) hours. To satisfy this requirement, you may:

- (I) Sell or transfer possession of the firearm or ammunition to a federally license firearms dealer described in 18 U.S.C. sec. 923, as amended;
- (II) Arrange for the storage of the firearm or ammunition by a law enforcement agency; or
- (III) Sell or otherwise transfer the firearm or ammunition to a private party who may legally possess the firearm or ammunition; except that if you sell or transfer a firearm pursuant to this subparagraph (III) shall satisfy all of the provisions of section 18-12-112, concerning private firearms transfers, including but not limited to the performance of a criminal background check of the transferee.

If you are unable to satisfy this Order because you are incarcerated or otherwise held in the custody of a law enforcement agency, the Court will require you to satisfy such provisions not more than twenty-four (24) hours after your release from incarceration or custody or be held in contempt of court. The Court may, in its discretion, require you to relinquish any firearm or ammunition in your immediate possession or control or subject to your immediate possession or control before the end of your incarceration. In such a case, your failure to relinquish a firearm or ammunition as required shall constitute contempt of court.

If you sell or otherwise transfer a firearm or ammunition to a private party who may legally possess the firearm or ammunition, you shall acquire:

- (I) From the transferee, a written receipt acknowledging the transfer, which receipt shall be dated and signed by you and the transferee; and
- (II) From the licensed gun dealer who requests from the Bureau a background check of the transferee, as described in section 18-12-112, a written statement of the results of the background check.

Not more than three (3) business days after the relinquishment, you shall file a copy of the receipt and, if applicable, the written statement of the results of a background check performed with the Court as proof of the relinquishment. If you fail to timely file a receipt or written statement:

- (A) The failure constitutes a violation of the Protection Order pursuant to section 18-6-803.5 (1) (c); and
- (B) The Court shall issue a warrant for your arrest.

If you claim that you do not have in your immediate possession or control or subject to your immediate possession or control, a firearm or ammunition, you shall provide the Court with a sworn statement of such within twenty-four (24) hours of receiving this order.

I acknowledge receipt of this Advisement

  
Defendant's Signature

1-26-21  
Date

  
Witness' Signature

# FELONY DV

January 21 2021  
JCSO 20-14099

<input type="checkbox"/> Municipal Court <input checked="" type="checkbox"/> County Court <input type="checkbox"/> District Court <b>JEFFERSON</b> County, Colorado Court Address: 100 JEFFERSON COUNTY PKWY GOLDEN, CO 80401	DATE FILED: January 26, 2021 3:38 PM ▲ COURT USE ONLY ▲ Case Number: <u>21CR 263</u> 16 Character #: _____ Division <u>J</u> Courtroom _____
THE PEOPLE OF THE STATE OF COLORADO v. <b>Defendant:</b> <u>Emmi, Jennifer Reba</u> Address: _____	

**MANDATORY PROTECTION ORDER PURSUANT TO §18-1-1001, C.R.S.**

Full Name of Defendant	Date of Birth	Sex	Race	Weight	Height	Hair Color	Eye Color
<input type="checkbox"/> Protected Party alleges Weapon Involved							
<u>Jennifer Reba Emmi</u>	<u>1-16-78</u>	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	<u>W</u>	<u>108</u>	<u>5'4"</u>	<u>Bln</u>	<u>Bro</u>

Full Name of Protected Party (Victim/Witness)	Date of Birth	Sex	Race	Full Name of Protected Party (Victim/Witness)	Date of Birth	Sex	Race
<u>Donald Emmi</u>	<u>1-15-80</u>						

The Court Finds it is appropriate to issue this Protection Order pursuant to §18-1-1001, C.R.S.  
 The Court Finds that the Defendant  is  is not governed by the Brady Handgun Violence Prevention Act, 18 U.S.C. §922 (d)(8) and (g)(8).

**Therefore, it is ordered that you, the Defendant:**

1. Shall not harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts you are charged with committing.
2. Shall vacate the home of the victim(s), stay away from the home of the victim(s), and stay away from any other location the victim(s) is/are likely to be found.
3. Shall refrain from contacting or directly or indirectly communicating with the victim(s) or witness(es).
4. Shall not possess, purchase, or control a firearm or other weapon.
5. Shall not possess or purchase any ammunition.
6. Shall relinquish, for the duration of the order, any firearm or ammunition in your immediate possession or control, or subject to your immediate possession or control, and shall do so within 24 (hours) (24 or up to 72) for firearms and within 24 (24 hours or up to 5 days) for ammunition. If you are in custody and cannot relinquish firearms and ammunition, the court orders you to do so within 24 hours of your release from custody. You shall file proof of relinquishment with the court, within 3 business days of the relinquishment as required by statute.
7. Shall not possess or consume alcoholic beverages or controlled substances.
8. Is further ordered that:

**This Order remains in effect until final disposition or further order of Court. \***

Date: 1-26-21 @ 056 hrs

Judge  Magistrate  
[Signature]

By signing, I acknowledge receipt of this Order.  
 Date: 1-26-21 @ 1056 hrs

Defendant  
[Signature]  
 Clerk  Trial  Hearing

I certify that this is a true and complete copy of the original order.  
 Date: 1-26-21 @ 1056 hrs

\*"Until final disposition of the action" means until the case is dismissed, until the Defendant is acquitted, or until the Defendant completes his or her sentence. Any Defendant sentenced to probation is deemed to have completed his or her sentence upon discharge from probation. A Defendant sentenced to incarceration is deemed to have completed his or her sentence upon release from incarceration and discharge from parole supervision. (§18-1-1001(8)(b), C.R.S.)

## IMPORTANT INFORMATION ABOUT PROTECTION ORDERS

**THIS ORDER IS IN EFFECT UNTIL THE DISPOSITION OF THIS ACTION, OR, IN THE CASE OF AN APPEAL, UNTIL THE DISPOSITION OF THE APPEAL.**

This Order is accorded full faith and credit and shall be enforced in every civil or criminal court of the United States, an Indian tribe, or a United States territory pursuant to 18 U.S.C. Sec. 2265. The issuing court has jurisdiction over the parties and subject matter. The Defendant has been given reasonable notice and opportunity to be heard.

### NOTICE TO DEFENDANT

- ✓ A knowing violation of a Protection Order is a crime under §18-6-803.5, C.R.S. A violation may subject you to fines of up to \$5,000.00 and up to 18 months in jail. A violation will also constitute contempt of court.
- ✓ You may be arrested without notice if a law enforcement officer has probable cause to believe that you have knowingly violated this Order.
- ✓ If you violate this Order thinking that a victim or witness has given you permission, you are wrong, and can be arrested and prosecuted.
- ✓ The terms of this Order cannot be changed by agreement of the victim(s) or witness(es). Only the Court can change this Order.
- ✓ You may apply at any time for the modification or dismissal of this Protection Order.
- ✓ Possession of a firearm while this Protection Order is in effect or following a conviction for a misdemeanor crime of Domestic Violence, may constitute a Felony under Federal Law, 18 U.S.C. §922(g)(8) and (g)(9).
- ✓ Firearm and ammunition relinquishment must be in accordance with §18-1-1001(9)(b), C.R.S. Failure to comply with the order to relinquish may result in an arrest warrant.

### NOTICE TO LAW ENFORCEMENT OFFICERS

- ✓ You shall use every reasonable means to enforce this Protection Order.
- ✓ You shall arrest, or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Defendant when you have information amounting to probable cause that the Defendant has violated or attempted to violate any provisions of this Order and the Defendant has been properly served with a copy of this Order or has received actual notice of the existence of this Order.
- ✓ You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- ✓ You shall take the Defendant to the nearest jail or detention facility utilized by your agency.
- ✓ You are authorized to use every reasonable effort to protect the Protected Parties to prevent further violence.
- ✓ You may transport, or arrange transportation to a shelter for the Protected Parties.

### NOTICE TO PROTECTED PERSON

- ✓ You may request the prosecuting attorney to initiate contempt proceedings against the Defendant.



JCSO 20-14099

Municipal Court  County Court  District Court  
**JEFFERSON** County, Colorado  
 Court Address:  
 100 JEFFERSON COUNTY PKWY  
 GOLDEN, CO 80401

DATE FILED: January 26, 2021 3:37 PM  
 COURT USE ONLY

Case Number: 2108 263  
 16 Character #:  
 Division J Courtroom

THE PEOPLE OF THE STATE OF COLORADO  
 v.  
 Defendant: Emmi, Jennifer Reba  
 Address:

**MANDATORY PROTECTION ORDER PURSUANT TO §18-1-1001, C.R.S.**

Full Name of Defendant	Date of Birth	Sex	Race	Weight	Height	Hair Color	Eye Color
<input type="checkbox"/> Protected Party alleges Weapon Involved							
Jennifer Reba Emmi	1-16-78	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	W	108	5'4"	Blk	Bro

Full Name of Protected Party (Victim/Witness)	Date of Birth	Sex	Race	Full Name of Protected Party (Victim/Witness)	Date of Birth	Sex	Race
Karen Elledge	3-30-90						

The Court Finds it is appropriate to issue this Protection Order pursuant to §18-1-1001, C.R.S.  
 The Court Finds that the Defendant  is  is not governed by the Brady Handgun Violence Prevention Act, 18 U.S.C. §922 (d)(8) and (g)(8).

**Therefore, it is ordered that you, the Defendant:**

1. Shall not harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts you are charged with committing.
2. Shall vacate the home of the victim(s), stay away from the home of the victim(s), and stay away from any other location the victim(s) is/are likely to be found.
3. Shall refrain from contacting or directly or indirectly communicating with the victim(s) or witness(es).
4. Shall not possess, purchase, or control a firearm or other weapon.
5. Shall not possess or purchase any ammunition.
6. Shall relinquish, for the duration of the order, any firearm or ammunition in your immediate possession or control, or subject to your immediate possession or control, and shall do so within 24 (hours) (24 or up to 72) for firearms and within 24 (24 hours or up to 5 days) for ammunition. If you are in custody and cannot relinquish firearms and ammunition, the court orders you to do so within 24 hours of your release from custody. You shall file proof of relinquishment with the court, within 3 business days of the relinquishment as required by statute.
7. Shall not possess or consume alcoholic beverages or controlled substances.
8. Is further ordered that:

**This Order remains in effect until final disposition or further order of Court.\***

Date: 1-26-21 @ 1056 hrs

*Shelly J. Davis*  
 Judge  Magistrate

By signing, I acknowledge receipt of this Order.  
 Date: 1-26-21 @ 1056 hrs

*Emmi, Jennifer Reba*  
 Defendant  
*Christina Killeen*  
 Clerk Pro Temp

I certify that this is a true and complete copy of the original order.  
 Date: 1-26-21 @ 1056 hrs

\*"Until final disposition of the action" means until the case is dismissed, until the Defendant is acquitted, or until the Defendant completes his or her sentence. Any Defendant sentenced to probation is deemed to have completed his or her sentence upon discharge from probation. A Defendant sentenced to incarceration is deemed to have completed his or her sentence upon release from incarceration and discharge from parole supervision. (§18-1-1001(8)(b), C.R.S.)

## IMPORTANT INFORMATION ABOUT PROTECTION ORDERS

**THIS ORDER IS IN EFFECT UNTIL THE DISPOSITION OF THIS ACTION, OR, IN THE CASE OF AN APPEAL, UNTIL THE DISPOSITION OF THE APPEAL.**

This Order is accorded full faith and credit and shall be enforced in every civil or criminal court of the United States, an Indian tribe, or a United States territory pursuant to 18 U.S.C. Sec. 2265. The issuing court has jurisdiction over the parties and subject matter. The Defendant has been given reasonable notice and opportunity to be heard.

### NOTICE TO DEFENDANT

- ✓ A knowing violation of a Protection Order is a crime under §18-6-803.5, C.R.S. A violation may subject you to fines of up to \$5,000.00 and up to 18 months in jail. A violation will also constitute contempt of court.
- ✓ You may be arrested without notice if a law enforcement officer has probable cause to believe that you have knowingly violated this Order.
- ✓ If you violate this Order thinking that a victim or witness has given you permission, **you are wrong**, and can be arrested and prosecuted.
- ✓ The terms of this Order cannot be changed by agreement of the victim(s) or witness(es). **Only the Court can change this Order.**
- ✓ You may apply at any time for the modification or dismissal of this Protection Order.
- ✓ Possession of a firearm while this Protection Order is in effect or following a conviction for a misdemeanor crime of Domestic Violence, may constitute a Felony under Federal Law, 18 U.S.C. §922(g)(8) and (g)(9).
- ✓ Firearm and ammunition relinquishment must be in accordance with §18-1-1001(9)(b), C.R.S. Failure to comply with the order to relinquish may result in an arrest warrant.

### NOTICE TO LAW ENFORCEMENT OFFICERS

- ✓ You shall use every reasonable means to enforce this Protection Order.
- ✓ You shall arrest, or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Defendant when you have information amounting to probable cause that the Defendant has violated or attempted to violate any provisions of this Order and the Defendant has been properly served with a copy of this Order or has received actual notice of the existence of this Order.
- ✓ You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- ✓ You shall take the Defendant to the nearest jail or detention facility utilized by your agency.
- ✓ You are authorized to use every reasonable effort to protect the Protected Parties to prevent further violence.
- ✓ You may transport, or arrange transportation to a shelter for the Protected Parties.

### NOTICE TO PROTECTED PERSON

- ✓ You may request the prosecuting attorney to initiate contempt proceedings against the Defendant.

**Defendant's Name:** Jennifer Reba Emmi**Case #:** 21CR263

The law requires that persons arrested either with or without a warrant be brought without unnecessary delay to the nearest available judge. The purpose of bringing you before me is to explain the nature of the criminal charges that have been or may be brought against you, to inform you of your legal rights before the Court and to establish the amount of bail under which you may be released from custody.

Your legal rights are as follows:

You have the right to remain silent at all stages of the proceedings, including the proceedings today. Any statement you make can and may be used against you. You have the right to refuse to testify. If you refuse, neither the Judge nor the prosecutor can suggest that your silence means that you have anything to hide.

You are entitled to be represented by an attorney and to appear and defend yourself, in person and with an attorney, at all stages of the proceedings in your case. You have the right to a reasonable continuance to obtain the assistance of an attorney. If you desire the aid of an attorney and have no money or means to employ one, the Court will appoint an attorney from the Public Defender's Office to represent you. If this is your first appearance, bond will be set today. If you are being held for investigation of a felony matter, you will return to court within 5 business days for the receipt of charges. If you are appearing on a misdemeanor or traffic case, you will be given a date today to return to Court for your arraignment. If you remain in custody, a Public Defender will be available to represent you. If you post bond, you may represent yourself, hire private counsel, or apply to the Public Defender's office for representation.

Those of you who are in custody have a right to be admitted to bail. The Court will inform you this morning of the amount of bail and type of bond.

Any plea you make to the charges must be voluntary on your part and not the result of any undue influence or coercion on the part of anyone else.

You are entitled to have either a trial by the Court alone or a trial by a jury. You are presumed innocent of the charges and the State must prove your guilt beyond a reasonable to doubt before the Judge or jury can find you guilty. You are entitled to a speedy and public trial. At the trial, you have the right to confront the witnesses against you, to cross-examine them, and to require the appearances of witnesses on your behalf.

You are further advised that if you are charged with a criminal offense or have criminal charges pending against you, the Court is today issuing a Protective Order that shall remain in effect until final disposition of this action or further order to the Court. The Protective Order prohibits you from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged or pending. Any violation of the order is punishable by contempt or possible additional criminal charges.

Additionally, if you are charged with an act of domestic violence wherein the alleged victim was your intimate partner and the Court finds from the Affidavit in support of your arrest that you are a credible threat to that person's safety, the Brady Law will apply to you and you will not be permitted to purchase or possess a firearm or ammunition while this case is pending. Furthermore, you will be ordered to relinquish all firearms and ammunition within your possession or control within 24 hours of your release. You will be provided with a written order further explaining this requirement. If you object to this finding, a Hearing can be set on the matter.

Those of you charged with a felony may have the right to a preliminary hearing. If you are charged with a felony, and the offense occurred after July 1, 1998, one of the following circumstances must exist to set your case for preliminary hearing:

1. You are charged with a felony and you remain in custody, or
2. You are charged with a Class 1, 2, or 3 felony or a class 1 or 2 drug felony (10/1/13), or
3. You are charged with a Class 4, 5, or 6 felony which either requires mandatory sentencing, is a crime of violence or a sexual offense

Those of you who are charged with a class 4, 5, or 6 felony or a class 3 or 4 drug felony, which does not require mandatory sentencing, is not a crime of violence or sexual offense, do not have the right to a preliminary hearing. Your case will be set for a dispositional hearing for the purpose of case evaluation and potential resolution.

A preliminary hearing is a determination by a Judge of whether probable cause exists to believe that the offense charged was committed and that it was committed by you.

Once charges are filed, your case will be set for a preliminary hearing demand date. If you remain in custody, you will not appear in court on that date. Your Public Defender will appear for you and set your preliminary hearing. You have the right to a hearing within 35 days of the demand date. If you post bond, the Public Defender cannot automatically be appointed to represent you. You will need to go to their office, apply for their representation, and appear at all scheduled court dates. If you apply for the Public Defender, your application is signed under oath and under the penalty of perjury.

For any of you who are serving in the United States Armed Forces or a veteran of the Armed Forces, you may be entitled to receive mental health treatment, substance abuse disorder treatment, or other services as a veteran. If you would like more information, please ask and more information can be provided.

If this is your first appearance in court and you have not been previously arrested for the offense, you are ordered to submit to fingerprinting and to collection of DNA. An order requiring you to report to the arresting law enforcement agency is now entered.

If charges are not filed within 90 days, or if all felony charges are dismissed or if you are acquitted of all felony charges, you may submit a written request for expungement of your DNA sample to the Colorado Bureau of Investigations. The DNA sample collected from you shall be destroyed and the results of the testing of the sample expunged from the Federal DNA Index System and any state DNA system if you qualify for expungement.

We will now take the cases one at a time. If you did not understand your rights or have any questions regarding your rights, please do not hesitate to ask. You will be given an additional explanation.

I acknowledge receipt of this Advisement

Defendant's Signature

Date 1/26/2021

