

Garfield County, Colorado, District Court 109 8 th Street Glenwood Springs, Colorado 81601 (970) 928-3065	
The People of the State of COLORADO v. Defendant:	Court Use Only
Defendant Name: _____ Address: _____ _____ Telephone (____)____-____	Case No.: _____ Courtroom:
MOTION FOR ORDER RE: DISPOSITION OF MARIJUANA AND/OR PARAPHERNALIA	

The Defendant, _____(name) respectfully requests the Court to enter an order returning my Marijuana and/or Paraphernalia, and as grounds therefore tells the Court:

1. On _____ I was arrested. Upon arrest, I was booked into the Garfield County Jail and personal items were logged into evidence/property for safekeeping or items were taken as evidence and are stored at the Sheriff's/Police Department. Among the items booked was _____ (oz/grams) of marijuana and/or paraphernalia associated with the use of marijuana that belonged to me. The marijuana remains in the custody of the Garfield County Sheriff's Property and/or evidence unit or _____Police Department's evidence room. The marijuana is not needed as evidence in any pending case.

2. I am at least twenty-one (21) years of age and therefore may lawfully possess the amount of marijuana held under state law. Colo. Const. art. XVIII § 16(1)(a).

3. The Police Department/Sheriff is prohibited from returning the marijuana without a court order as the transfer of the marijuana without court order would be a violation of the Federal Controlled Substances Act. 21 U.S.C. § 841(a) and see *People v. Crouse*, 2013 COA 174 (Law enforcement return of marijuana pursuant to court order not a violation of CSA).

WHEREFORE, I respectfully request an order determining the disposition of the _____ (oz/grams) of marijuana held by the Garfield County Sheriff's Office/Police Department in this case.

DATED this _____ day of _____, 20__.

DEFENDANT
 By: _____

CERTIFICATE OF SERVICE

I hereby certify that on _____, 20__, a true and accurate copy of the above motion was placed in the United States Mail, first class, postage prepaid, to the following:

Ninth Judicial District Attorney's Office
109 8th Street Suite 308
Glenwood Springs, CO 81601

Check one:

Garfield County Sheriff's Office
Garfield County Attorney
108 8th Street
Glenwood Springs, CO 81601

_____ Police Department

Address: _____

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The Court, having reviewed the Defendant's Motion and all attachments hereby ORDERS as follows:

Return. The Garfield County Sheriff/_____Police Department is hereby ordered to return ____ (weight) marijuana held in this case to Defendant. The marijuana to be returned is legal under Colorado law for the Defendant to possess. Defendant shall pick up the subject marijuana from the Sheriff/Police within thirty (30) days of this order, and if not the subject marijuana shall be deemed abandoned and the Sheriff/Police may dispose of the subject marijuana as deemed appropriate by the Sheriff/Police, including destruction.

Destroy. The subject marijuana is deemed contraband per se pursuant to 21 U.S.C. §§ 812(c), 841(a)(1) and 844(a), therefore the Sheriff/Police is directed to dispose of the subject marijuana as deemed appropriate by the Sheriff/Police, including destruction.

Done and ordered this _____ day of _____, 20__.

BY THE COURT:

 Judge