

DISTRICT COURT, _____ COUNTY, COLORADO Court Address: Phone Number:	COURT USE ONLY
The People of the State of Colorado vs. Defendant: [defendant's name]	
Attorney for Defendant:	Case Number: Division Courtroom
MOTION FOR CONTEMPT CITATION PURSUANT TO C.R.C.P. 107 AND MOTION FOR SHOW CAUSE ORDER WITH SUPPORTING AFFIDAVIT	

COMES NOW Defendant, by and through the undersigned attorney, and pursuant to C.R.C.P. 107(c), requests that the Court order a contempt citation to issue and order the following persons to appear to show cause to why they should not be punished therefore:

[list police officer's names of those involved]

As grounds therefore, Defendant alleges and states:

1. [state facts giving rise to motion]
4. The above-named officers were acting as officers of the Court when they executed this Court's search warrant.
7. Since [date], Defendant has been the holder of a valid Medical Marijuana Registry card (Attached as Exhibit).
8. Defendant showed his Registry Card to the above-named officers when they entered his home.

9. Acting pursuant to the search warrant, the above-named officers seized property which Defendant uses in connection with his medical use of marijuana, including grow lights, smoking pipes, growing marijuana plants and some usable marijuana.

11. The District Attorney's Office decided not to prosecute Defendant, and no criminal charges were ever filed.

13. This court dismissed the case on [date].

14. On [date], Defendant filed a "Motion for Return of Property" which requested that his property, including marijuana and marijuana paraphernalia be returned.

15. The Colorado Constitution, Article 18, Section XIV(e) requires that,

"Any property interests that is possessed, owned or used in connection with the medical use of marijuana or acts incidental to such use *shall not be harmed, neglected, injured or destroyed* while in the possession of state or local law enforcement officials where such property has been seized in connection with the claimed medical use of marijuana. Any such property interests shall be forfeited under any provision of state law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense or entry of a plea of guilty to such offense. *Marijuana and paraphernalia* seized by state or local law enforcement officials from a patient or primary care giver in connection with the claim medical use of marijuana *shall be returned immediately* upon the determination of the District Attorney or his or his designee that the patient or primary care giver is entitled to the protections contained in this section as may be evidenced, for example, by a decision not to prosecute, the dismissal of charges, or acquittal."

16. As set forth in the attached affidavit, no marijuana or marijuana pipes have been returned.

17. The above-named officers have refused to obey the Court Order requiring the return of the marijuana and the marijuana pipes.

18. The conduct of the officers as described above violates the Court's Order set forth in the search warrant, violates the Colorado Constitution, and violates the Court's Order to return Defendant's property.

19. The conduct of the officers as described above constitutes misbehavior of an officer of the court in his official transactions and disobedience or resistance to or interference with this court's lawful order and, pursuant to C.R.C.P. 106(a), constitutes contempt of court.

WHEREFORE, Defendant requests that the Court:

1. Issue an order commanding the above-named persons to appear at a time designated and show cause why they should not be punished for their contempt, and;
2. Conduct a hearing, and;
3. Issue an order finding the above-named officers guilty of contempt, and;
4. Impose a fine, and;
5. Impose costs, and;
6. Award [Name] his reasonable attorney's fees, and;
7. Imprison the above-named officers until they comply with the court's previous orders, and;
8. Imprison the above-named officers to vindicate the dignity of the court.

All as provided in C.R.C.P. 107(d).

Respectfully submitted this _____ day of _____, 200_.

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 200_, I hand delivered and/or mailed a true and correct copy of the foregoing pleading, postage prepaid in the U.S. Mail, postage prepaid in the U.S. Mail to the following:

District Attorney

[serve all listed police officers]

... DISTRICT COURT, _____ COUNTY, COLORADO Court Address: Phone Number:	COURT USE ONLY
The People of the State of Colorado vs. Defendant: [defendant's name]	
Attorney for Defendant:	
	Case Number: Division Courtroom
ORDER TO ISSUE CONTEMPT CITATION	

This matter having come on to be heard by the Court upon the Motion For Contempt of the Defendant above-named; praying for an Order directing the issuance of a Citation against:

[list police officers]

and to show cause why they should not be held in contempt of this Court and fined or imprisoned on account of their failure to comply with the Court's [date] Order; the Court having read the Motion for Contempt and attached Affidavit and being fully advised in the matter does ORDER that the Clerk of this Court be, and hereby is directed to issue a Citation to:

[list police officers]

and to appear in the District Court of the County of _____ at [address], at _____ a.m. on the _____ day of _____, 200_, to show cause, if any they have, why they should not be held in contempt of this Court and fined or imprisoned or ordered to pay attorney fees and costs therefore. FURTHER, the Court grants permission for said Citation to be served by private process server.

DONE AND ORDERED this _____ day of _____, 200__.

BY THE COURT:

District Court Judge

... DISTRICT COURT, _____ COUNTY, COLORADO Court Address: Phone Number:		COURT USE ONLY
The People of the State of Colorado vs. Defendant: [defendant's name]		
Attorney for Defendant:	Case Number:	
	Division Courtroom	
CONTEMPT CITATION		

THE PEOPLE OF THE STATE OF COLORADO TO THE SHERIFFS OF THE COUNTY OF _____, COLORADO, OR ANY OTHER PROPER COUNTY, OR ANY PRIVATE PROCESS SERVER, GREETINGS:

WHEREAS, in a certain cause in the District Court of _____ County, Colorado, between The People of the State of Colorado and Defendant an action was filed therein; and

WHEREAS, an Order was entered on [date];

WHEREAS, it appears to the Court from the Defendant's Motion for Contempt Citation and Affidavit of Defendant, a copy of which is hereby attached, that

[list police officers]

have failed to comply with said Order;

THESE ARE THEREFORE TO COMMAND YOU, that you cite and give notice to the said above-named persons, to be and appear before the Honorable Judge _____ in the County Court of _____ County, Colorado, on the _____ day of _____, 200_, at the hour of _____ .m., to show cause, if any they have, why they should not be punished for contempt, for neglect and refusal to comply with the Order of the Court heretofore entered herein, and that, to vindicate the dignity of the Court, a fine or imprisonment may be imposed upon them, as well as payment of Defendant's reasonable attorney fees and costs and such other sanctions that may be imposed by this Court.

WITNESS Clerk of the Said Court and the Seal thereof hereunto affixed, at the District Court, _____ County Courthouse, _____ County, Colorado, this _____ day of _____, 200_.

CLERK OF THE DISTRICT COURT:

Deputy Clerk

STATE OF COLORADO)
) ss.
COUNTY OF _____)

I DO HEREBY CERTIFY, THAT I HAVE DULY SERVED THE WITHIN CONTEMPT CITATION, ORDER TO ISSUE CONTEMPT CITATION, MOTION FOR ISSUANCE OF A CONTEMPT CITATION AND AFFIDAVIT OF DEFENDANT THIS _____ day of _____, 200_, by personally handing to and leaving with _____.

PRIVATE PROCESS SERVER/SHERIFF

By: _____