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DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac Street Centennial, CO 80112 303.649.6355	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. PATRICK J. SULLIVAN, Defendant.	**▲ COURT USE ONLY ▲**
JOHN W. SUTHERS, Attorney General MICHAEL T. DOUGHERTY, 41831 Deputy Attorney General-Criminal Justice ROBERT S. SHAPIRO, 26869 First Assistant Attorney General-Special Prosecutions Office of the Attorney General 1525 Sherman St., 7th Floor Denver, CO 80203 303-866-5450	Case No.: 11CR2414 Div.: 22

PEOPLE'S MOTION TO MODIFY DEFENDANT'S PROBATION CONDITIONS AS SPECIFIED AND RECOMMENDED IN THE PROBATION DEPARTMENT'S SPECIAL REPORT

Attorney General John W. Suthers, by and through the undersigned Deputy Attorney General and First Assistant Attorney General, hereby submit the following Motion which seeks to modify the Defendant's probation conditions based on a recommendation contained in the Probation Department's Special Report.

R/A

1. On April 3, 2012 the defendant was sentenced by this Court to a twenty-four month period of Supervised Probation following his guilty pleas and convictions for the felony crime of Possession of a Controlled Substance–Schedule II and for the misdemeanor crime of Prostitution-Solicitation. At the time of sentencing the Court had full and open sentencing authority to exercise its discretion when imposing the sentence for the defendant. With the Court's sentencing the defendant to a term of Supervised Probation the Court primarily focused on imposing conditions which were designed to address the defendant's acute substance abuse issues, including ordering him to submit to a substance abuse evaluation and to complete the appropriate substance abuse treatment program. The defendant was also incarcerated after being ordered to serve a month in the county jail as another condition of his supervised probation. Additionally, despite the existence of other allegations being lodged against the defendant, this particular case and prosecution was jurisdictionally limited to one drug transaction and an act of solicitation for prostitution which occurred in Arapahoe County, Colorado on November 29, 2011. It appears that based on those reasons the Court determined that an emphasis on treatment was most appropriate for this defendant.

2. Since April 3, 2012 the Probation Department has had an opportunity to interact with the defendant and to gather some additional information about him and his ongoing challenges. As a result of these efforts the Probation Department has been able to make an initial assessment summarizing the diverse issues and needs which are currently impacting the defendant. This initial assessment also raised concerns to the Probation Department regarding the defendant's ability to safely function and rehabilitate in the community. The Probation Department has determined that more therapeutic information about the defendant is required in order for them to comprehensively and properly supervise him, should he continue to have the privilege of residing in the community. The acquisition of this vitally important therapeutic information will also allow the Probation Department to be in a stronger position to better coordinate and manage the defendant's treatment needs.

3. With the Probation Department thoughtfully requesting that the defendant be ordered by this Court to submit to a Mental Health Offense Specific Evaluation it appears that some critically important questions can likely be answered which will benefit the Probation Department's ability to do its job, better protect the community as a whole, and to also assist the defendant to rehabilitate towards becoming a law abiding and productive citizen. The key concerns which justify the Probation Department's request of seeking an evaluation were based on the defendant's admissions that while he was using illicit controlled substances (methamphetamine) he had also engaged in years of potentially dangerous sexual conduct with possibly vulnerable individuals.

4. It must be clarified that the evidence which was developed by law enforcement demonstrated that the defendant also acquired the methamphetamine for his subsequent redistribution to these same potentially vulnerable individuals. It can best be described that the methamphetamine served as a form of currency between the defendant and the arguably vulnerable individuals who would then engage in sexual acts. These are very valid concerns. As articulated by the Probation Department in its Special Report to the Court, its assessment demonstrated that the defendant's admitted history of having engaged in arguably dangerous sexual behaviors was contemporaneous with his use and distribution of illicit controlled substances. This inseparable behavior of the defendant engaging in dangerous sexual conduct

combined with illicit drug use and/or distribution serves as a key rationale for the Probation Department's requirement that the defendant be evaluated by a competent professional so that the Probation Department has a firmer grasp of the diverse and complex issues which impact and influence the defendant.

5. The basic purpose of probation is to provide a program which offers an offender the opportunity to rehabilitate himself without confinement, under the tutelage of a probation officer and under the continuing power of the Court. People v. Leford, 477 P.2d 374 (Colo. 1970). To accomplish this purpose probationary conditions serve the dual purpose of enhancing the reintegration of the offender as a responsible law abiding citizen and affording society a measure of protection against recidivism.

6. The Court has the discretionary authority to order any other condition of a probation sentence which is reasonably related to the defendant's rehabilitation and the purposes of probation. C.R.S. 18-1.3-204(2)(a)(XV). Based on the defendant's dual issues of substance abuse occurring contemporaneously with him engaging in dangerous sexual behaviors with possibly vulnerable individuals it is clearly reasonable that these related issues must be addressed by the Probation Department. As a result it is reasonably related to the goal of properly supervising and fully rehabilitating this defendant should the Court exercise its discretion into ordering that the defendant submit to a Mental Health Offense Specific Evaluation while he is serving his probationary sentence.

Respectfully submitted this 12th day of October 2012.

JOHN W. SUTHERS
Attorney General

MICHAEL T. DOUGHERTY
Deputy Attorney General

ROBERT S. SHAPIRO
First Assistant Attorney General