

GRANTED BY COURT
07/11/2023

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Pkwy Golden, Colorado 80401	DATE FILED July 11, 2023 3:50 PM CASE NUMBER: 2022CR3360
THE PEOPLE OF THE STATE OF COLORADO, v. DESIREE GONZALEZ, <i>Defendant.</i>	MEEGAN ALAINE MILOUD District Court Judge
Attorney for Defendant: BAUMGARTNER LAW, LLC S. Birk Baumgartner, #47829 Daniel C. Mossinghoff, #31923 730 17 TH STREET, SUITE 340 DENVER, CO 80202 Phone Number: (303) 529-3476 E-mail: Birk@BaumgartnerLaw.com Daniel@BaumgartnerLaw.com	▲COURT USE ONLY▲
Case Number: 2022CR3360 Div/Ctrm.: 7	
MOTION TO EXONERATE ORIGINAL BOND	

COMES NOW, the defendant, Desiree Gonzalez, by and through her attorneys, BAUMGARTNER LAW, LLC, and moves to exonerate the original \$100,000.00 cash only bond for the following reasons:

On December 8, 2022, the Court found probable cause for the original charges in this matter and set the bond amount at \$100,000.00 cash only. Subsequently, the family through Ms. Gonzalez's mother, Robin Gonzalez, were able to post the \$100,000.00 at considerable cost to the family. In fact, this bond amount reflects a great part of all the family's assets.

Subsequently, the People moved to revoke Desiree Gonzalez's bond in regards to an incident that took place on January 5, 2023. The Court granted that motion without argument and set the bond in this matter for \$250,000.00 cash only.

Desiree Gonzalez and Robin Gonzalez went to Intervention for a meeting regarding the G.P.S. device for Desiree Gonzalez. Upon arriving there, Intervention informed Desiree and Robin of the existence of the new warrant. Desiree Gonzalez along with her mother, Robin Gonzalez, agreed that Desiree Gonzalez would go peacefully into custody and without incident. Since that event, Desiree Gonzalez has remained in custody. The original \$100,000.00 bond has not been forfeited.

C.R.S. §16-4-110 controls when a person acting as principal or surety can request when a bond shall be exonerated. C.R.S. § 16-4-110(d) states as follows:

(d) Upon surrender of the defendant into custody at any time before a judgment has been entered against the sureties for forfeiture of the bond, upon payment of all costs occasioned thereby. A surety may seize and surrender the defendant to the sheriff of the county wherein the bond is taken, and it is the duty of the sheriff, on such surrender and delivery to him or her of a certified copy of the bond by which the surety is bound, to take the person into custody and, by writing, acknowledge the surrender. If a compensated surety is exonerated by surrendering a defendant prior to the initial appearance date fixed in the bond, the court, after a hearing, may require the surety to refund part or all of the bond premium paid by the defendant if necessary to prevent unjust enrichment. *Id.*

In this case, Robin Gonzalez, on behalf of Desiree Gonzalez, posted the \$100,000.00 as a surety or principal. She was present and assisted in turning Desiree Gonzalez into custody a peaceful manner. This would constitute a seizure for the purpose of this statute. As a result, the statute states that the bond shall be exonerated.

WHEREFORE, counsel requests the original \$100,000.00 bond be exonerated and returned to Mrs. Robin Gonzalez.

Dated this 28th day of June, 2023.

Respectfully submitted,

BAUMGARTNER LAW, LLC

/s/ Daniel C. Mossinghoff

Daniel C. Mossinghoff, #31923

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2022, a true and correct copy of the foregoing **MOTION TO EXONERATE ORIGINAL BOND** was served upon all parties of record by filing the same through via Colorado Courts E-Filing System:

s/ Daniel Mossinghoff
Daniel Mossinghoff