

COUNTY COURT, LARIMER (LOVELAND) COUNTY, COLORADO Court Address: 810 E 10TH STREET, SUITE 110, LOVELAND, CO, 80537-4942	DATE FILED: August 24, 2020 4:59 PM CASE NUMBER: 2020M926
<b>The People of the State of Colorado v. KAREN A GARNER</b>	<p style="text-align: center;"><b>△ COURT USE ONLY △</b></p> Case Number: 2020M 926 Division: L2                      Courtroom:
<b>Order: Motion to Dismiss</b>	

The motion/proposed order attached hereto: GRANTED.

Upon Motion of the People, the Court Hereby dismisses this case without prejudice.

Pursuant to §24-72-705, C.R.S., the Defendant may be eligible to petition the Court to seal this case. To seal this case, Defendant must pay a \$65.00 filing fee and all other fees, costs, fines, and restitution unless the Court has vacated the order. Instructions are located at [www.courts.state.co.us](http://www.courts.state.co.us)

Issue Date: 8/24/2020



JOSHUA BLAKE LEHMAN  
 County Court Judge

COUNTY COURT; LARIMER COUNTY, COLORADO 810 East 10 <sup>th</sup> Street, Suite 110 Loveland, CO 80537-4942 (970) 622-2100	
<b>PEOPLE OF THE STATE OF COLORADO vs.</b>  <b>Defendant: KAREN A GARNER</b>	<b>▲ COURT USE ONLY ▲</b>
CLIFFORD E. RIEDEL District Attorney; Eighth Judicial District of Colorado  Paige N Hammer, #51904 Deputy District Attorney 810 East 10 <sup>th</sup> Street, Suite 210 Loveland, CO 80537-4944 Phone: (970) 619-4410; Fax: (970) 619-4414	<b>Case No: C0852020M000926</b>  <b>Courtroom: L2</b>
<b>MOTION TO DISMISS CASE</b>	

COMES NOW CLIFFORD E. RIEDEL, the duly elected, qualified and acting District Attorney in and for the Eighth Judicial District of the State of Colorado, by and through his duly appointed, qualified, and acting Deputy District Attorney, Paige N Hammer, and respectfully moves this Honorable Court to dismiss the case filed against the Defendant and states as a reason therefore that:

1. Defendant is charged w/ three charges: Theft less than \$50, Obstructing a Peace Officer, and Resisting Arrest. This is her second known contact with law enforcement; the first being a speeding ticket in 2002.
2. It is alleged that Defendant attempted to steal items worth approximately thirteen dollars from Walmart. Walmart employees stopped Defendant, recovered the items, and then Defendant fled on foot. Law enforcement officers found Defendant and attempted to speak with her about the theft. Defendant resisted officers' attempts to do so and physically resisted when officers put her under arrest.
3. Counsel for Defendant provided the People documentation regarding Defendant's mental state. Specifically, a psychiatrist diagnosed Defendant with dementia from which she has a lack of insight, disorientation, and sensory aphasia and recommended she live somewhere that allows for 24/7 care. To put a point on it, Defendant appears to be incapable of understanding her surroundings or her actions. Defendant's family has since placed her in a 24-hour supervised care facility that is best suited to handle her day-to-day needs
4. In lieu of pursuing a competency finding and prolonging a resolution to this case, the People ask the Court to dismiss this case in the interests of justice. Given Defendant's current living situation, the People do not feel as though Defendant presents a danger to the community nor a risk of recidivism.

Respectfully submitted this 21<sup>st</sup> day of August, 2020:

CLIFFORD E. RIEDEL  
District Attorney

By: /s/ Paige Hammer  
Paige N Hammer, #51904  
Deputy District Attorney

**CERTIFICATE OF SERVICE**

I certify that (\*) I requested electronic service of the above via CCEF ( ) A true and correct copy of the above has been deposited in the US Mail to counsel of record this 21<sup>st</sup> day of August, 2020:

Sarah Schielke

/s/ Paige Hammer  
DDA  
County Court Division

Attachment to Order - 2020M 026