

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.10-CV-02930-JLK-BNB

COLORADO CRIMINAL DEFENSE BAR, a Colorado non-profit corporation;
COLORADO CRIMINAL JUSTICE REFORM COALITION, a Colorado non-profit corporation,

Plaintiffs,

v.

JOHN W. SUTHERS, in his official capacity as Attorney General of the State of Colorado, *et al.*

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF ALL CLAIMS
AGAINST ATTORNEY GENERAL JOHN W. SUTHERS AND
ALL DISTRICT ATTORNEYS**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs Colorado Criminal Defense Bar and Colorado Criminal Justice Reform Coalition (collectively, “Plaintiffs”) hereby voluntarily dismiss with prejudice their claims against Defendants John W. Suthers, Scott Storey, Mitchell R. Morrissey, Frank Ruybalid, Dan May, Mark Hurlbert, Todd Risberg, Daniel Hotsenpiller, Larry Abrahamson, Martin Beeson, Thom LeDoux, David Mahonee, Robert E. Watson, Elizabeth Oldham, Jennifer Swanson, Rob Fouracre, Don Quick, Carol Chambers, Kenneth R. Buck, Stanley L. Garnett, Pete Hautzinger, and Russell Wasley (collectively, the “Attorney General and District Attorney Defendants”), in the above-captioned action. In support thereof, Plaintiffs state as follows:

1. Plaintiffs filed their Second Amended Complaint in this matter on January 20, 2012 (Doc. #67), alleging that Colorado Revised Statute § 16-7-301(4) violates the Sixth Amendment right to counsel of indigent defendants by deferring their applications for assistance of counsel until after plea discussions with the prosecuting attorney.

2. The Attorney General and District Attorney Defendants have not yet served an answer or a motion for summary judgment in this action.

3. On January 10, 2013, Plaintiffs filed a Notice to the Court Regarding Possible Legislative Solution. (Doc. #86.) On May 28, 2013, Governor John Hickenlooper signed into law House Bill 13-1210, which has addressed Plaintiffs' claims. For the Court's reference, the text of House Bill 13-1210 is attached hereto as Exhibit 1.

4. Plaintiffs hereby file this notice of dismissal in order to dismiss with prejudice their claims against the Attorney General and District Attorney Defendants in this action.

5. This notice does not dismiss Plaintiffs' claims against the only other defendant in this action, Douglas K. Wilson, because he has already answered. Plaintiffs will dismiss with prejudice their claims against Mr. Wilson by stipulation under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) in a separate filing, thereby resolving this action in its entirety.

WHEREFORE, Plaintiffs file this notice dismissing with prejudice their claims against the Attorney General and District Attorney Defendants in this action.

Dated: May 30, 2013

Respectfully submitted,

/s/ Scott F. Llewellyn

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2013, I electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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