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| DISTRICT COURT; LARIMER COUNTY, COLORADO 201 La Porte Avenue Fort Collins, CO 80521-2761 (970) 494-3500 | |
| PEOPLE OF THE STATE OF COLORADO vs. Defendant: JASON WILLIAM SCHNEIDER | ▲ COURT USE ONLY ▲ |
| CLIFFORD E. RIEDEL District Attorney; Eighth Judicial District of Colorado DAVID P. VANDENBERG, #38258 Chief Deputy District Attorney 201 La Porte Avenue, Suite 200 Fort Collins, CO 80521-2763 Phone: (970) 498-7200; Fax: (970) 498-7250 | Case No: D0352016CR000530 Courtroom: 5A |
| MOTION TO DISMISS | |

COMES NOW CLIFFORD E. RIEDEL, District Attorney in and for the Eighth Judicial District of the State of Colorado, by and through DAVID P. VANDENBERG, his duly appointed, authorized and acting Deputy District Attorney, and hereby moves this Court to dismiss the above-captioned case and as reasons therefore states:

1. As the Court is aware, this case is presently set for re-trial to begin a second 10 day jury trial on February 21, 2017.
2. At the first trial in this matter, the People and the defense both presented a substantial amount of evidence to the jury. The jury attentively listened to the evidence and it is clear to the People that the jury thoughtfully considered that evidence both during trial and in extended deliberations. The People form this belief based upon the volume and quality of the questions submitted by jurors during trial and the length of jury deliberations.
3. In contemplating the prospect of a second trial in this matter, undersigned counsel's ethical obligations as a prosecutor are implicated. A prosecutor cannot ethically take a case to trial unless he or she has a reasonable likelihood of conviction.
4. Undersigned counsel has contemplated what, if anything, would be different about the evidence and likely outcome of a second trial in this matter. Based upon what the People believe the status of the admissible evidence is, and upon the input received from the jurors from the first trial, undersigned counsel does not believe that there is a reasonable likelihood of convincing a jury of twelve community members unanimously that the defendant is guilty beyond a reasonable doubt. Though the jury in the first trial was not able to unanimously agree on a verdict, the People and defense counsel learned after the jury was discharged that the jury was not close to convicting the defendant.

5. After the trial, the People received input from jurors that would have found the defendant not guilty as well as a juror that would have returned a guilty verdict. After assessing the status of the evidence in the case both for the prosecution and the defense and in considering the input of the jurors that heard the first trial, undersigned counsel simply does not believe there is a realistic likelihood of a jury composed of 12 different members of the community reaching a unanimous decision finding the defendant guilty.

WHEREFORE, the People respectfully request that this court dismiss the one count of Child Abuse (F3) in case number 2016CR530.

Dated this 18th day of January, 2017.

Respectfully submitted,

CLIFFORD E. RIEDEL
District Attorney

By /s/ David P. Vandenberg
DAVID P. VANDENBERG, #38258
Chief Deputy District Attorney

Certificate of Service

I certify that a copy of the above and foregoing was
e-filed via ICCES to counsel of record on 1/18/2017.
/s/ A. Nemitz