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Office of the District Attorney
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PRESS RELEASE

FOR IMMEDIATE RELEASE

Date: December 9th, 2015
Contact: Kimberly Corban Weeks • kweeks@co.weld.co.us • 970.356.4010 ext. 4702
Re: First Felony DUI Conviction in Weld County

Greeley, CO – On December 9th, Juan Hernandez (DOB 06/24/54) plead guilty in Weld County District Court to one count of Driving While Ability Impaired with three or more prior convictions, a class 4 felony. This represented his 10th DUI conviction. Hernandez was pulled over on August 24th in Fort Lupton for obstructed view while driving, but upon the officer's observations, then admitted to having drunk alcohol 30 minutes prior to driving. With a blood alcohol content of .06, he was charged with driving while ability impaired.

Earlier in the year, a seven-time DUI offender caused an accident in southern Weld County which killed a man, his two young children, and himself. The tragedy prompted Representatives Saine and McCann and Senators Cooke and Johnston to run a bill making a fourth DUI conviction a felony. The law took effect on August 5th of this year meaning Hernandez's subsequent arrest allowed the court more discretion with sentencing decisions.

Deputy District Attorney Tamara Love argued that Hernandez had a 30 year history of putting the community at risk. "The best predictor of future behavior is past behavior. His actions speak to two things; He is a risk to the community and a higher level of containment is necessary at this time" she said.

Noting Hernandez cumulatively has had 12 years on DUI probation, most of which was supervised, and over 1000 days in county jails, Love stated "This man is not appropriate for probation. Probation is a privilege, and he has continued to commit the same crime over and over again."

After hearing both the peoples' and defendant's arguments, Judge Kerns indicated the number of prior offenses were particularly concerning. "It is a personal choice to engage in recovery and you have had the opportunity to do so multiple times without success. Your ongoing behaviors are a risk to the community and to yourself." He ordered Hernandez to 6 years in community corrections, the maximum sentence under the stipulated guilty plea.

The filing of a criminal charge is merely a formal accusation that an individual(s) committed a crime(s) under Colorado laws. A defendant is presumed innocent until and unless proven guilty. See Colo. RPC 3.6



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Weld County District Attorney Michael Rourke commended the efforts it took to bring this bill to fruition and cautioned that habitual offenses of this nature would not be tolerated in our communities. “The bill passed by the legislature last year now gives us the ability to hold offenders accountable and to more appropriately punish for these repeated criminal acts. At the same time, it gives us an opportunity to provide more intensive treatment to offenders and to monitor them for a longer period of time than was possible prior to the passage of this bill”.

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