

Summaries of Published Opinions

July 2, 2018

2018 CO 65. No. 18SA113. In the Matter of the Title, Ballot Title and Submission Clause for Proposed Initiatives 2017–2018 #178, #179, #180 and #181.

The action of the Title Board for proposed initiatives 2017–2018 #178, #179, #180 and #181 was affirmed by operation of law. See C.A.R. 35(b).

2018 CO 66. No. 16SC661. People v. Stellabotte. *Sentencing—Amendatory Statutes—Retroactive Application.*

The Supreme Court held that ameliorative, amendatory legislation applies retroactively to non-final convictions under CRS § 18-1-410(1)(f), unless the amendment contains language indicating it applies only prospectively. In this case, defendant committed crimes that (at the time of the offenses) constituted class 4 felonies.

But before defendant had been convicted and sentenced, the General Assembly amended the statute to change the crime to a class 5 felony, with a correspondingly lower sentence. The amended statute did not say whether it applied prospectively or retroactively. But the trial court sentenced defendant for two class 4 felonies under the old statute. Because the division of the Court of Appeals properly concluded that defendant should have received the benefit of the amended statute’s ameliorative effects under CRS § 18-1-410(1)(f) (providing relief where a defendant alleges that “there has been significant change in the law, applied to the applicant’s conviction or sentence, allowing in the interests of justice retroactive application of the changed legal standard”), the Court affirmed the division’s judgment.

2018 CO 67. No. 16SC744. People v. Patton. *Sentencing—Amendatory Statutes—Retroactive Application.*

For the reasons discussed in *People v. Stellabotte*, 2018 CO 66, __ P.3d __, the Supreme Court held that ameliorative, amendatory legislation applies retroactively to non-final convictions under CRS § 18-1-410(1)(f), unless the amendment contains language indicating it applies only prospectively. In this case, defendant committed a crime that (at the time of the offense) constituted a class 4 felony. But before defendant was sentenced and convicted, the General Assembly amended the statute to make the crime a class 1 misdemeanor. The amendment, however, did not say whether it applied prospectively or retroactively. The trial court sentenced him for committing a class 4 felony under the old statute. Because the division of the Court of Appeals properly concluded that the amended statute applies retroactively, the Court affirmed its judgment. ^{CL}



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