

# Summaries of Published Opinions

## October 7, 2019

### 2019 CO 84. No. 18SA271. **People v. Davis.**

*Criminal Procedure—U.S. Constitution Fifth Amendment—Miranda Warnings—Custody—U.S. Constitution Fourth Amendment—Investigatory Stop.*

In this interlocutory appeal, the prosecution challenged the trial court's order suppressing statements defendant made to deputies without being given the proper warnings under *Miranda v. Arizona*, 384 U.S. 436 (1966). The Supreme Court reversed, concluding that under the totality of the circumstances, defendant was not in custody for purposes of *Miranda* because a reasonable person in defendant's position would not have felt deprived of his freedom of action to a degree associated with a formal arrest. Further, considering the factors identified in *People v. Rodriguez*, 945 P.2d 1351, 1362 (Colo. 1997), and *People v. Ball*, 2017 CO 108, ¶ 9, 407 P.3d 580, 584, the Court concluded that defendant's detention did not escalate to an arrest in violation of the Fourth Amendment.

### 2019 CO 85. No. 18SC45. **Deleon v. People.**

*Self-Incrimination—Testimony—Jury Instructions.*

In this case, the Supreme Court concluded that by tendering a jury instruction regarding a defendant's right to remain silent, Deleon preserved the issue for appeal of whether the trial court erred in failing to give any instruction regarding a defendant's right to remain silent. Next, the Court concluded that the trial court failed to provide an effective jury instruction regarding Deleon's right to remain silent, which was an error. Finally, the Court concluded that the error was not harmless beyond a reasonable doubt.

Accordingly, the Court of Appeals' judgment was reversed.

## October 15, 2019

### 2019 CO 86. No. 18SC225. **People v. Rojas.** *Statutory Interpretation—Plain Language—Theft.*

In this opinion, the Supreme Court considered whether an individual who receives food stamp benefits to which she is not legally entitled is properly prosecuted under CRS § 18-4-401 or CRS § 26-2-305(1)(a). The Court held that, based on the plain language of § 26-2-305(1)(a), the legislature did not create a separate crime when it enacted that section. Thus, when an individual violates § 26-2-305(1)(a), he or she may properly be prosecuted under the general theft statute, § 18-4-401. Accordingly, the Court reversed the Court of Appeals' decision and remanded the case with instructions to return the case to the trial court to reinstate the judgment of conviction.

### 2019 CO 87. No. 17SC692. **Butler v. People.** *Criminal Law—Money Laundering—Complicitor Liability—Sufficiency of Evidence.*

In this case, the Supreme Court concluded that the Court of Appeals erred by broadly suggesting that a defendant can be held criminally liable as a complicitor in money laundering if the evidence at trial merely suggests complicity in the principal's overall operation. The proper standard for assessing whether a defendant may be found liable as a complicitor, set forth in *People v. Childress*, 2017 CO 65M, 363 P.3d 155, requires a determination of the requisite elements of the principal's offense. Nonetheless, there is sufficient evidence in the record to support defendant's convictions. The Court of Appeals' judgment was affirmed.

## October 28, 2019

### 2019 CO 88. No. 19SA142. **People v. Allen.**

*Inventory Search—Protective Search for Weapons—Automobile Exception.*

The Supreme Court concluded that the inventory search of defendant's car violated the Fourth Amendment's prohibition against unreasonable searches and seizures because there is no evidence that officers decided to impound the car pursuant to any written or oral standardized criteria or policies. Further, the People did not establish that the search fell within the protective search exception to the warrant requirement or within that requirement's automobile exception. The district court's suppression order was affirmed.

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