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).


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), the Court affirmed the division’s judgment.


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.

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