

SUPREME COURT OF COLORADO

Russell v. People

2020 CO 37 · No. 18SC646 · Decided May 11, 2020

SUMMARY

The Colorado Supreme Court held that Derick Wayne Russell was entitled to additional presentence confinement credit against his Douglas County sentence for the period between his Jefferson County and Douglas County resentencings. The court clarified that a substantial nexus exists when the defendant would have remained confined on the relevant charge absent any other charge, that causation rather than geography controls, and that credit may not be duplicative. The court reversed the court of appeals and remanded for correction of the credit award.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Hart; Justice Boatright; Chief Justice Coats
JURISDICTION	Colorado
DECIDED	May 11, 2020
DOCKET	18SC646
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Russell petitioned for certiorari review of a Colorado Court of Appeals decision affirming the denial of presentence confinement credit against his Douglas County sentence.
STANDARD OF REVIEW	The denial of presentence confinement credit and issues of statutory interpretation are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Derick Wayne Russell v. The People of the State of Colorado

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- plain meaning rule

PRACTICE AREAS

- criminal law
- sentencing
- presentence confinement credit
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Russell was entitled to presentence confinement credit against his Douglas County sentence for the period he was confined after his Jefferson County resentencing and before his Douglas County resentencing.
2. What legal principles govern the substantial-nexus analysis under Colorado's presentence confinement credit statute.
3. Whether the Colorado Supreme Court's but-for causation test in *People v. Torrez* should be overruled.

HOLDINGS

1. A defendant is entitled to presentence confinement credit for each day of confinement when there is a substantial nexus between the conduct or charge causing the confinement and the sentence ultimately imposed, provided that the credit is not duplicative.
2. Causation, rather than the geographic location of confinement, determines whether a substantial nexus exists; geographic limitations do not govern presentence confinement credit.
3. Russell was entitled to additional presentence confinement credit against his Douglas County sentence for the period from his Jefferson County resentencing until his Douglas County resentencing.

KEY QUOTATIONS

“First, a defendant is entitled to PSCC for each day served where there is a substantial nexus between the conduct or charges for which he is confined and the sentence ultimately imposed. Second, causation, not geography, is the defining question in determining if there is a substantial nexus. And third, a defendant is not entitled to duplicative PSCC.” (¶ 5)

“Under that test, a substantial nexus exists where the defendant would have remained confined on the charge or conduct for which credit is sought in the absence of any other charge.” (¶ 24)

FACTUAL BACKGROUND

Russell pleaded guilty to theft, a class five felony, in Douglas County and received a six-year community-corrections sentence concurrent with a three-year community-corrections sentence in Jefferson County. After he was terminated from community corrections, he was confined in the Denver County Jail; Jefferson County resentenced him to the Department of Corrections on June 1, 2016, and Douglas County resentenced him to the Department of Corrections on October 13, 2016. The Douglas County court awarded some confinement credit but denied credit for the period between the Jefferson County and Douglas County resentencings.

PROCEDURAL HISTORY

Russell pleaded guilty to theft in Douglas County and was sentenced to community corrections concurrently with a Jefferson County sentence. After he was terminated from community corrections, Jefferson County resentenced him to the Department of Corrections, followed by Douglas County resentencing. The Douglas County court denied credit for the period between the two resentencings, and the court of appeals affirmed. The Colorado Supreme Court granted certiorari, reversed, and remanded for correction of the credit award.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Return the case to the district court for correction of Russell's presentence confinement credit award consistent with the opinion.

CASES CITED

- People v. Torrez, 2017 CO 91, 403 P.3d 189
- Massey v. People, 736 P.2d 19 (Colo. 1987)
- People v. Freeman, 735 P.2d 879 (Colo. 1987)
- Schubert v. People, 698 P.2d 788 (Colo. 1985)
- People v. Johnson, 797 P.2d 1296 (Colo. 1990)
- Torand v. People, 698 P.2d 797 (Colo. 1985)
- Fransua v. People, 2019 CO 96, 451 P.3d 1208
- People v. Baker, 2019 CO 97M, 452 P.3d 759
- People v. Porter, 2015 CO 34, 348 P.3d 922
- People v. LaRosa, 2013 CO 2, 293 P.3d 567
- People v. Kutlak, 2016 CO 1, 364 P.3d 199
- People v. Novotny, 2014 CO 18, 320 P.3d 1194
- Beecroft v. People, 874 P.2d 1041 (Colo. 1994)
- People v. Hoecher, 822 P.2d 8 (Colo. 1991)

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