

SUPREME COURT OF COLORADO

People v. Rickman

178 P.3d 1202 (Colo. 2008) · No. No. 06SC454 · Decided March 3, 2008

SUMMARY

The Colorado Supreme Court held that a pretrial services program exceeded its statutory authority by imposing a weapons-possession condition that was not mandated by statute or ordered by the court. The court further held that the prohibition against committing a felony while released on bail was a mandatory statutory bond condition, affirming the reversal of the weapons-condition conviction and reversing the reversal of the felony-condition conviction.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Martinez; Justice Eid; Justice Eid does not participate
JURISDICTION	Colorado
DECIDED	March 3, 2008
DOCKET	No. 06SC454
DISPOSITION	reversed
PROCEDURAL POSTURE	The People petitioned for certiorari review of the Colorado Court of Appeals' reversal of Rickman's convictions for violating two bail-bond conditions.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Colorado; en banc.
PARTIES	The People of the State of Colorado v. John Richard Rickman

TOPICS

- bail
- criminal procedure
- statutory interpretation
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

- criminal procedure
- bail and pretrial release
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether a pretrial services program may impose a discretionary bail-bond condition prohibiting possession of weapons when the trial judge did not impose or incorporate that condition into a court order.
2. Whether the statutory condition requiring a person released on bail not to commit a felony applies even when the condition is merely reiterated by pretrial services rather than expressly imposed by the judge.

HOLDINGS

1. A pretrial services program may not impose a discretionary bail-bond condition prohibiting possession of weapons when the condition was neither mandated by statute nor imposed by the trial court. The trial court may not delegate its judicial discretion to set bail conditions to pretrial services, and the statutory list of permissible pretrial-supervision methods does not authorize pretrial services to impose a weapons prohibition.
2. The statutory prohibition against committing a felony while at liberty on bail is a mandatory condition of every bail bond. Pretrial services did not exceed its authority by including that condition in a bond-conditions form because the condition applied by operation of statute, regardless of whether the judge or pretrial services separately imposed it.

KEY QUOTATIONS

“Absent statutory authorization, a court may not delegate its authority to set bond conditions.” (178 P.3d at 1207)

“Because a court may not delegate the discretion to impose conditions of bail bond to the pretrial services program and because the statute does not give the pretrial services program the authority to prohibit Rickman from possessing weapons, we hold that the pretrial services program exceeded its statutory authority when it imposed the condition barring Rickman from possessing weapons.” (178 P.3d at 1208)

“We hold that because section 16-4-103(2)(c) prohibited Rickman from committing a felony while released on bail bond, the pretrial services program did not exceed its authority when it included this condition in the Bond Conditions Form.” (178 P.3d at 1209)

FACTUAL BACKGROUND

At a Colorado county-court bond hearing, the judge set bail and ordered Rickman to be supervised by pretrial services but did not expressly impose a weapons prohibition or a general prohibition against violating state or federal law. Pretrial services later included those provisions in release and bond-condition forms approved for use by the county court, and Rickman signed the forms. While on bond, Rickman inspected and attempted to purchase a rifle and falsely stated on a federal firearms form that he was not under felony indictment; he later pleaded guilty to the federal felony. Colorado prosecutors then charged him with violating both bail-bond conditions.

PROCEDURAL HISTORY

Rickman was convicted by a jury of two class six felony counts for violating bail-bond conditions and was sentenced to two concurrent fifteen-month Department of Corrections sentences plus twelve months of

mandatory parole. The trial court denied his motion for judgment of acquittal notwithstanding the verdict. The Colorado Court of Appeals reversed both convictions, holding that pretrial services had exceeded its statutory authority by imposing conditions not ordered by the court. The Colorado Supreme Court affirmed the reversal of the weapons-condition conviction but reversed the appellate court as to the felony-commission condition.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court affirmed the Court of Appeals' reversal of the weapons-condition conviction and reversed its ruling as to the conviction based on the statutory felony-commission condition. No separate remand instruction is stated.

CASES CITED

- People v. Rickman, 155 P.3d 399 (Colo. App. 2006)
- People v. Sanders, 185 Colo. 153, 522 P.2d 735 (1974)
- Mishkin v. Young, 107 P.3d 393 (Colo. 2005)
- Stamp v. Vail Corp., 172 P.3d 437 (Colo. 2007)
- Bottom v. People, 63 Colo. 114, 164 P. 697 (1917)
- Sapero v. State Bd. of Med. Exam'rs, 90 Colo. 568, 11 P.2d 555 (1932)
- Bd. of County Comm'rs v. Love, 172 Colo. 121, 470 P.2d 861 (1970)
- People ex rel. Dunbar v. Dist. Court, 127 Colo. 280, 255 P.2d 743 (1953)

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