

COLORADO COURT OF APPEALS

People v. Wilson

2025 COA 94 · No. 22CA1977 · Decided December 24, 2025

SUMMARY

The Colorado Court of Appeals held that the unit of prosecution for violating a child custody order under section 18-3-304(2), C.R.S. 2025, is the number of children affected rather than the number of custody orders violated. The court affirmed Wilson’s convictions for custody-order violations, child abuse, resisting arrest, and obstructing government operations, concluding that the evidence was sufficient and that no evidentiary error occurred. The case was remanded for the trial court to merge the knowing or reckless and negligent child abuse convictions and amend the mittimus.

CASE DETAILS

COURT	Colorado Court of Appeals
WRITING FOR THE COURT	Judge Freyre; Judge Pawar; Judge Yun
JURISDICTION	Colorado Court of Appeals
DECIDED	December 24, 2025
DOCKET	22CA1977
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilson appealed convictions for four counts of violating a custody order, two counts of child abuse, resisting arrest, and obstructing government operations.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed de novo, viewing the evidence in the light most favorable to the prosecution and asking whether it supports guilt beyond a reasonable doubt. Constitutional double-jeopardy and multiplicity claims, merger issues, and statutory interpretation are reviewed de novo. Evidentiary rulings are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential Colorado Court of Appeals opinion.
PARTIES	Tiffany Jean Wilson v. The People of the State of Colorado

TOPICS

- criminal procedure
- statutory interpretation
- double jeopardy
- evidence
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

statutory interpretation

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Wilson's convictions for violating a child custody order and child abuse.
2. Whether evidence that Wilson's children had previously been in foster care was inadmissible extrinsic bad-character evidence under CRE 404(b).
3. Whether four convictions for violating a custody order were multiplicitous because the unit of prosecution was the number of custody orders violated rather than the number of children affected.
4. Whether Wilson's negligent child-abuse conviction had to merge into her knowing-or-reckless child-abuse conviction.

HOLDINGS

1. The evidence was sufficient for a reasonable jury to find that Wilson violated the custody order, intended to deprive the lawful custodian of custody, and that the order was issued by a Colorado district court.
2. The evidence was sufficient to support both child-abuse convictions because Wilson permitted her child to remain in a situation posing a threat of injury and acted with the required mental state.
3. The trial court did not err in admitting evidence that some of Wilson's children had previously been in foster care because the evidence did not suggest bad character or prior misconduct and was relevant to whether Wilson understood the custody order.
4. The unit of prosecution under section 18-3-304(2) is the number of children affected, not the number of custody orders violated; Wilson's four convictions were therefore not multiplicitous.
5. Wilson's negligent child-abuse conviction must merge into her knowing-or-reckless child-abuse conviction because both convictions were based on identical conduct and the negligence offense was lesser included.

KEY QUOTATIONS

“Based on the statute’s plain language and a reading of the statutory scheme as a whole, we therefore conclude that the unit of prosecution for violation of a custody order is the number of children affected.” (¶ 41)

“We therefore remand the case for the trial court to merge Wilson’s child abuse convictions and to amend the mittimus accordingly.” (¶ 48)

“The judgment is affirmed, and the case is remanded with directions.” (¶ 49)

FACTUAL BACKGROUND

In June 2021, a Mesa County judge issued an emergency custody and pickup order placing Wilson's four children in the temporary custody of the Mesa County Department of Human Services. After the order was read

and explained to Wilson, she left in her car with the children rather than surrendering them. Later, Wilson was found holding her eighteen-month-old son while smoking marijuana and stabbing herself in the head with scissors; she resisted officers who attempted to remove the scissors and arrest her.

PROCEDURAL HISTORY

A Mesa County jury acquitted Wilson of reckless endangerment and convicted her of the remaining charged offenses. The district court sentenced her to forty-five days in jail and two years of probation. On appeal, she challenged the sufficiency of the evidence, admission of extrinsic bad-character evidence, and the multiplicity of her custody-order convictions; the People agreed that the negligent child-abuse conviction should merge with the knowing-or-reckless child-abuse conviction.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remand the case to the trial court to merge Wilson's negligent child-abuse conviction into her knowing-or-reckless child-abuse conviction and amend the mittimus accordingly.

CASES CITED

- McCoy v. People, 2019 CO 44, ¶ 63
- People v. Tomaske, 2022 COA 52, ¶ 17
- Clark v. People, 232 P.3d 1287, 1291-92 (Colo. 2010)
- People v. Garcia, 2016 COA 124, ¶ 13
- Cowen v. People, 2018 CO 96, ¶ 11
- Turbyne v. People, 151 P.3d 563, 567 (Colo. 2007)
- People v. Perez, 2016 CO 12, ¶ 31
- People v. Rigsby, 2020 CO 74, ¶ 22
- People v. Robinson, 226 P.3d 1145, 1154 (Colo. App. 2009)
- People v. Abad, 2021 COA 6, ¶ 8
- People v. Vanderpauye, 2023 CO 42, ¶ 23
- Rojas v. People, 2022 CO 8, ¶¶ 43, 52
- People v. Arzabala, 2012 COA 99, ¶¶ 19, 23
- People v. Bott, 2020 CO 86, ¶ 9
- Woellhaf v. People, 105 P.3d 209, 215 (Colo. 2005)
- People v. Sexton, 2012 COA 26, ¶ 16
- People v. Valenzuela, 216 P.3d 588, 590 (Colo. 2009)
- Coffey v. Colo. Sch. of Mines, 870 P.2d 608, 610 (Colo. App. 1993)
- City of Ouray v. Olin, 761 P.2d 784, 787 (Colo. 1988)

- Brooks v. Zabka, 450 P.2d 653, 655 (Colo. 1969)
- People v. Coyle, 654 P.2d 815, 817 (Colo. 1982)
- Magana v. People, 2022 CO 25, ¶¶ 25-26
- People v. Espinoza, 2020 CO 43, ¶ 13
- People v. Snider, 2021 COA 19, ¶ 50
- Llorens v. State, 520 S.W.3d 129, 139 (Tex. App. 2017)
- State v. Hunter, 117 P.3d 254, 263-65 (N.M. Ct. App. 2005)
- People v. McCoy, 12 Cal. Rptr. 2d 476, 478 (Ct. App. 1992)
- People v. Harris, 2016 COA 159, ¶ 56
- People v. Sims, 2020 COA 78, ¶ 37
- Page v. People, 2017 CO 88, ¶ 6
- Friend v. People, 2018 CO 90, ¶ 32
- Reyna-Abarca v. People, 2017 CO 15, ¶ 64