

SUPREME COURT OF COLORADO

People v. Gutierrez and People v. Carrillo-Toledo

2020 CO 60 (Colo. 2020) · No. Nos. 20SA126, 20SA127 · Decided June 22, 2020

SUMMARY

The Colorado Supreme Court held that section 42-4-903(4), C.R.S. (2019), requires a driver to activate a turn signal before beginning a lane change. Because the officer reasonably suspected a traffic violation after observing the vehicle move partially into another lane before signaling, the traffic stop was lawful under the Fourth Amendment. The court reversed the trial court's suppression order and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Hood
JURISDICTION	Colorado
DECIDED	June 22, 2020
DOCKET	Nos. 20SA126, 20SA127
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The prosecution brought an interlocutory appeal under C.A.R. 4.1 from the district court's order granting the defendants' joint motion to suppress heroin seized during a vehicle search.
STANDARD OF REVIEW	A suppression order presents a mixed question of fact and law; historical facts and credibility findings supported by competent evidence are reviewed deferentially, while legal conclusions and statutory interpretation are reviewed de novo. When controlling facts are undisputed, their legal effect is a question of law.
PRECEDENTIAL VALUE	Published, precedential opinion of the en banc Supreme Court of Colorado
PARTIES	The People of the State of Colorado v. Aldo Gabriel Gutierrez, Julio Cesar Carrillo-Toledo

TOPICS

suppression of evidence

fourth amendment

search and seizure

statutory interpretation

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the prosecution's interlocutory appeal was timely when it was filed within the statutory period in the wrong appellate court and later transferred to the Colorado Supreme Court.
2. Whether Colorado Revised Statutes section 42-4-903(4) requires a driver to activate a turn signal before beginning a lane change.
3. Whether the officer had an objectively reasonable basis to stop the vehicle based on the observed lane-change violation.

HOLDINGS

1. An interlocutory appeal filed within the applicable deadline is timely even when mistakenly filed in the wrong appellate court and later transferred to the court with jurisdiction.
2. Section 42-4-903 requires a driver to activate a turn signal before beginning a lane change; a driver may not simultaneously signal and move into another lane. Because the officer observed the truck partially cross the lane-dividing line before the signal was activated, he had an objectively reasonable basis to believe a traffic violation had occurred and lawfully stopped the vehicle.

KEY QUOTATIONS

"Thus, "intention to" connotes a sequence of action: The driver must signal to show that he plans to change lanes. In short, the signal must precede any movement between lanes." (§ 18)

"Put simply, the plain language of section 42-4-903 does not permit a driver to simultaneously signal and move into another lane." (§ 20)

FACTUAL BACKGROUND

Aldo Gabriel Gutierrez was driving a pickup truck on Interstate 70 in Mesa County, with Julio Cesar Carrillo-Toledo as a passenger. Trooper Christian Bollen testified that, during two lane changes, the truck's tires were on or partially over the dividing line before Gutierrez activated the turn signal. After stopping the truck, Bollen obtained Gutierrez's consent to search it and found three to five pounds of heroin in the tailgate.

PROCEDURAL HISTORY

Gutierrez and Carrillo-Toledo were charged with possession with intent to distribute a controlled substance after a traffic stop and consensual vehicle search uncovered three to five pounds of heroin. The Mesa County District Court granted their joint suppression motion, concluding that the traffic stop was unlawful. The prosecution filed an interlocutory appeal; the appeal was initially filed in the court of appeals and transferred to the Colorado Supreme Court.

DISPOSITION

REMAND INSTRUCTIONS

The trial court must consider any issues raised in the parties' suppression briefing that remain unresolved.

CASES CITED

- *Brendlin v. California*, 551 U.S. 249, 251 (2007)
- *People v. Greathouse*, 742 P.2d 334, 336-37 (Colo. 1987)
- *People v. Berdahl*, 2019 CO 29, ¶ 18, 440 P.3d 437, 442
- *Turbyne v. People*, 151 P.3d 563, 572 (Colo. 2007)
- *People v. Null*, 233 P.3d 670, 679 (Colo. 2010)
- *People v. Burnett*, 2019 CO 2, ¶ 20, 432 P.3d 617, 622
- *People v. Huckabay*, 2020 CO 42, ¶ 13, __ P.3d __
- *People v. Morley*, 4 P.3d 1078, 1080 (Colo. 2000)
- *People v. Chavez-Barragan*, 2016 CO 66, ¶ 19, 379 P.3d 330, 335
- *People v. Vaughn*, 2014 CO 71, ¶ 11, 334 P.3d 226, 229
- *People v. Minjarez*, 81 P.3d 348, 353 (Colo. 2003)
- *Heien v. North Carolina*, 574 U.S. 54, 66 (2014)