

SUPREME COURT OF COLORADO

People v. S.X.G.

269 P.3d 735 (Colo. 2012) · Decided February 6, 2012

SUMMARY

The Colorado Supreme Court dismissed the prosecution’s interlocutory appeal from a juvenile magistrate’s order suppressing statements made during a police interrogation. The court held that appellate jurisdiction was lacking because the district court had not reviewed and adopted, rejected, or modified the magistrate’s order as required by applicable statutes and magistrate rules. The court stated that the prosecution could seek reconsideration of its timely filed petition for district court review.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Marquez
JURISDICTION	Colorado
DECIDED	February 6, 2012
DISPOSITION	dismissed
PROCEDURAL POSTURE	The prosecution brought an interlocutory appeal from a juvenile magistrate's order suppressing statements made by S.X.G. during a custodial interrogation. The district court declined to review the magistrate's order, and the Supreme Court of Colorado dismissed the appeal for lack of appellate jurisdiction.
STANDARD OF REVIEW	Appellate jurisdiction is reviewed de novo and may be considered sua sponte. The court did not reach the merits of the suppression ruling.
PRECEDENTIAL VALUE	Published opinion; binding Colorado Supreme Court precedent on the jurisdictional requirements for interlocutory appeals from juvenile magistrate suppression orders.
PARTIES	People of the State of Colorado v. S.X.G.

TOPICS

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PRACTICE AREAS

appellate procedure

juvenile delinquency

criminal procedure

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constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether the Colorado Supreme Court had interlocutory appellate jurisdiction to review a juvenile magistrate's suppression order when the district court had not reviewed and adopted, rejected, or modified that order.
2. Whether the district court had authority to review the juvenile magistrate's interlocutory suppression order under the Children's Code and Colorado Magistrate Rule 7.

HOLDINGS

1. The Supreme Court lacks interlocutory appellate jurisdiction to review a juvenile magistrate's suppression order unless the district court has first timely decided the petition for review and adopted, rejected, or modified the magistrate's order.
2. The district court had authority to address the prosecution's timely petition for review of the juvenile magistrate's suppression order, even though the order was interlocutory and not a final judgment.

KEY QUOTATIONS

"An appellate court does not review interlocutory orders absent specific authorization by statute or rule."
(269 P.3d at 738)

"Only if the district court adopts, with or without modification, the magistrate's order granting the suppression motion, does this court have interlocutory appellate jurisdiction under sections 16-12-102(2) and 19-2-908(2)." (269 P.3d at 739)

FACTUAL BACKGROUND

The prosecution alleged that S.X.G., a juvenile, committed acts that would constitute second-degree burglary, criminal mischief, and theft if committed by an adult. During a custodial interrogation, S.X.G.'s mother was present. After an approximately two-hour break, the interrogation resumed, and the juvenile magistrate found that S.X.G. and his mother had not freely, knowingly, and intelligently waived their rights before the second part of the interview. The magistrate suppressed statements made during that portion of the interrogation.

PROCEDURAL HISTORY

S.X.G. moved to suppress statements made during a police interrogation. After a suppression hearing, the juvenile magistrate suppressed statements made during the second portion of the interview. The prosecution timely petitioned the district court for review and sought a stay of trial, but the district court concluded that it lacked authority to review the interlocutory magistrate order. The prosecution then appealed directly to the Colorado Supreme Court, which dismissed because the district court had not adopted, rejected, or modified the magistrate's order.

DISPOSITION

dismissed

CASES CITED

- J.P. Meyer Trucking & Constr., Inc. v. Colo. Sch. Dists. Self Ins. Pool, 18 P.3d 198, 201 n.3 (Colo. 2001)
- Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 109 (1941)
- City of Grand Junction v. City & County of Denver, 960 P.2d 675, 678 (Colo. 1998)
- People ex rel. R.A., 937 P.2d 731, 734, 736 (Colo. 1997)
- People v. Hernandez, 155 Colo. 519, 395 P.2d 733 (1964)
- People ex rel. P.L.V., 172 Colo. 269, 472 P.2d 127 (1970)
- In re Marriage of Moore, 107 P.3d 1150, 1151 (Colo. App. 2005)
- Miranda v. Arizona, 384 U.S. 436 (1966)