

<p>Colorado Supreme Court 2 East 14th Avenue Denver, Colorado 80203</p>	<p>DATE FILED October 16, 2024 1:08 PM FILING ID: BE2806EA3B8C9 CASE NUMBER: 2024SA276</p> <p>COURT USE ONLY</p>
<p>Westminster Municipal Court Honorable Rebekah B. Watada 3030 Turnpike Drive Westminster, Colorado 80030</p>	
<p>In Re:</p> <p>People of the State of Colorado by and through the People of the City of Westminster</p> <p>v.</p> <p>Aleah Michelle Camp</p>	
<p>Robert C. Blume, No. 37130 Al Kelly, No. 55112 NoahLani Litwinsella, No. 58016 GIBSON, DUNN & CRUTCHER LLP 1801 California Street, Suite 4200 Denver, CO 80202-2641 Telephone: 303.298.5742 Email: rblume@gibsondunn.com akelly@gibsondunn.com nlitwinsella@gibsondunn.com</p> <p>Yun Wang, No. 52378 BRITT, TSHERING & WANG, LLC 999 18th Street, Suite 3000 Denver, CO 80202 Phone: (303) 386-7125 Email: ywang@btwlegal.com</p> <p><i>Attorneys for Petitioner Aleah Michelle Camp</i></p>	<p>Case Number:</p>
<p>Petition for Order to Show Cause Pursuant to C.A.R. 21</p>	

CERTIFICATE OF COMPLIANCE

I hereby certify that this petition complies with all requirements of C.A.R. 21, 28, and 32. The undersigned specifically certifies that:

This petition complies with the applicable word limit set forth in C.A.R. 28(g). It contains 6,288 words. I acknowledge this petition may be stricken if it fails to comply with any requirement of the foregoing rules.

/s/ Al Kelly
Al Kelly

TABLE OF CONTENTS

	Page
INTRODUCTION	1
ISSUES PRESENTED	3
IDENTITY OF THE UNDERLYING PROCEEDING AND THE PARTIES	3
BACKGROUND	4
IMMEDIATE REVIEW UNDER C.A.R. 21 IS WARRANTED	6
ARGUMENT	8
I. Colorado law preempts Westminster Municipal Code section 6-3-1 to the extent it punishes theft more harshly than state law.	8
A. Eliminating disparities in sentencing is a matter of overriding statewide concern.....	9
1. Eliminating disparities in sentencing requires statewide uniformity.....	10
2. Westminster’s sentencing scheme has extraterritorial impacts.....	13
B. Westminster’s sentencing scheme conflicts with state law.....	15
II. The City of Westminster violated the Colorado Constitution’s equal-protection guarantee by charging Ms. Camp under Westminster Municipal Code section 6-3-1.....	17
A. Ms. Camp cannot be charged under Westminster’s municipal code because it punishes petty theft more harshly than Colorado’s theft statute.....	18
B. The equal-protection doctrine applies with the same force in the context of municipal ordinances.....	22

TABLE OF CONTENTS
(continued)

	Page
C. The Court should reaffirm the viability of Colorado’s longstanding equal-protection doctrine.....	24
1. Colorado’s equal-protection doctrine is based on the Court’s well-founded, independent interpretation of Colorado’s due-process clause.	25
2. There are no changed conditions that would warrant abandoning this Court’s long-held precedent.....	29
3. Abandoning Colorado’s equal-protection doctrine would do more harm than good.....	31
CONCLUSION	33

TABLE OF AUTHORITIES

Cases

<i>Bellendir v. Kezer</i> , 648 P.2d 645 (Colo. 1982).....	5
<i>Campbell v. People</i> , 73 P.3d 11 (Colo. 2003).....	18
<i>Central Colo. Water Conservancy Dist. v. Simpson</i> , 877 P.2d 335 (Colo. 1994).....	28
<i>City & Cnty. of Denver v. Duffy Moving & Storage Co.</i> , 450 P.2d 339 (Colo. 1969).....	29
<i>The City of Longmont by and on behalf of the People of the State of Colorado v. Cristina Persechini</i> , Case No. 2024-cv-30086.....	7
<i>City of Aurora v. Martin</i> , 507 P.2d 868 (Colo. 1973).....	5
<i>City of Commerce City v. State</i> , 40 P.3d 1273 (Colo. 2002).....	2, 9, 12, 14, 16, 17
<i>City of Greenwood Village v. Fleming</i> , 643 P.2d 511 (Colo. 1982).....	17
<i>City of Longmont v. Colorado Oil and Gas Assn.</i> , 2016 CO 29 (Colo. 2016)	8, 15
<i>City of Northglenn v. Ibarra</i> , 62 P.3d 151 (Colo. 2003).....	2, 8, 10, 11, 12, 13, 14
<i>Colo. Dep't of Soc. Servs. v. Bd. of Cnty. Comm'rs of the Cnty. of Pueblo</i> , 697 P.2d 1 (Colo. 1985).....	28
<i>Curious Theatre Co. v. Colo. Dep't of Pub. Health & Env't</i> , 220 P.3d 544 (Colo. 2009).....	28
<i>Dean v. People</i> , 2016 CO 14.....	18, 26
<i>Hardamon v. Mun. Ct.</i> , 497 P.2d 1000 (Colo. 1972)	17
<i>Love v. Klosky</i> , 2018 CO 20.....	25, 29, 31

<i>McGuire v. People</i> , 749 P.2d 960 (Colo. 1988).....	32
<i>Mobley v. City of Rifle</i> , 2023SA289	2, 7
<i>Nicholls v. People</i> , 2017 CO 71.....	30
<i>People v. Armstrong</i> , 720 P.2d 165 (Colo. 1986).....	18
<i>People v. Bossert</i> , 722 P.2d 998 (Colo. 1986).....	18
<i>People v. Bowers</i> , 530 P.2d 1282 (Colo. 1974)	18, 24
<i>People v. Bramlett</i> , 573 P.2d 94 (Colo. 1977).....	25
<i>People v. Cagle</i> , 751 P.2d 614 (Colo. 1988).....	18
<i>People v. Calvaresi</i> , 534 P.2d 316 (Colo. 1975).....	18
<i>People v. Dist. Court</i> , 834 P.2d 181 (Colo. 1992)	30
<i>People v. Dist. Ct.</i> , 964 P.2d 498 (Colo. 1998).....	18
<i>People v. Dominguez</i> , 568 P.2d 54 (Colo. 1977).....	18
<i>People v. Dunaway</i> , 88 P.3d 619 (Colo. 2004).....	27
<i>People v. Estrada</i> , 601 P.2d 619 (Colo. 1979).....	18, 26
<i>People v. Griego</i> , 2018 CO 5.....	18
<i>People v. Howell</i> , 2024 CO 42.....	6
<i>People v. Hulse</i> , 557 P.2d 1205 (Colo. 1976)	18

<i>People v. LaRosa</i> , 2013 CO 2.....	32, 33
<i>People v. Lee</i> , 2020 CO 81.....	2, 5, 6, 18, 19, 22, 24, 26, 29, 31
<i>People v. Marcy</i> , 628 P.2d 69 (Colo. 1981).....	18, 22, 24, 27
<i>People v. Max</i> , 198 P. 150 (Colo. 1921).....	28
<i>People v. Mozee</i> , 723 P.2d 117 (Colo. 1986).....	18
<i>People v. Mumaugh</i> , 644 P.2d 299 (Colo. 1982).....	18
<i>People v. Oliver</i> , 745 P.2d 222 (Colo. 1987).....	18
<i>People v. Onesimo Romero</i> , 746 P.2d 534 (Colo. 1987).....	18
<i>People v. Owens</i> , 670 P.2d 1233 (Colo. 1983)	18
<i>People v. Quimby</i> , 381 P.2d 275 (Colo. 1963).....	25
<i>People v. Richardson</i> , 983 P.2d 5 (Colo. 1999).....	18
<i>People v. Rickstrew</i> , 775 P.2d 570 (Colo. 1989).....	18
<i>People v. Seymour</i> , 2023 CO 53.....	6, 30
<i>People v. Stewart</i> , 55 P.3d 107 (Colo. 2002).....	18
<i>People v. Wade</i> , 757 P.2d 1074 (Colo. 1988)	16, 17
<i>People v. Westrum</i> , 624 P.2d 1302 (Colo. 1981)	18
<i>People v. Wilhelm</i> , 676 P.2d 702 (Colo. 1984).....	18, 24, 26

<i>Quintana v. Edgewater Mun. Ct.</i> , 498 P.2d 931 (Colo. 1972).....	9
<i>Rocky Mountain Gun Owners v. Polis</i> , 2020 CO 66.....	27, 29, 30
<i>Ryals v. City of Englewood</i> , 2016 CO 8.....	9
<i>Tattered Cover, Inc. v. City of Thornton</i> , 44 P.3d 1044 (Colo. 2002).....	30
<i>In re Title, Ballot Title, Submission Clause, Summary for 1999-2000 No. 29</i> , 972 P.2d 257 (Colo. 1999).....	32
<i>Trueblood v. Tinsley</i> , 366 P.2d 655 (Colo. 1961).....	18, 19, 25
<i>United States v. Batchelder</i> , 442 U.S. 114 (1979).....	25
<i>Vega v. People</i> , 893 P.2d 107 (Colo. 1995).....	27
<i>Vigil v. People</i> , 2019 CO 105.....	31

Statutes

Colo. Rev. Stat. § 18-1-401 (2024)	11, 20, 21
Colo. Rev. Stat. § 18-1.3-501 (2024)	11
Colo. Rev. Stat. § 18-1.3-503 (2024)	20, 21
Westminster Mun. Code § 1-8-1	21
Westminster Mun. Code § 6-3-1	1, 3, 4, 5, 8, 17, 20, 21

Other Authorities

ACLU of Colorado, <i>Justice Derailed</i> (2017), https://www.aclu-co.org/justice-derailed-web.pdf	23
Englewood Sept. 16, 2024, City Council Regular Meeting Agenda § 11(a)(i), https://englewoodgov.civicweb.net/document/425575	7
Sam Tabachnik & Shelly Bradbury, <i>How Colorado’s municipal courts became the state’s most punitive forum for minor crimes</i> , DENVER POST (Sept. 22, 2024).....	13, 14

Rules

Colo. Mun. Ct. Rule 20423

Constitutional Provisions

Colo. Const. art. II, § 2518

Colo. Const. Art. XX, § 6.....8

INTRODUCTION

When police officers in Westminster decide to criminally charge someone with misdemeanor theft, they can do so, in their discretion, under either section 18-4-401 of the Colorado Revised Statutes or under section 6-3-1 of the Westminster Municipal Code. Both laws require proof of the same elements of *mens rea* and *actus reus*. But the former follows a carefully crafted sentencing rubric that furthers the State's goal of reducing racial sentencing disparities, while the latter does not. Instead, a charge of misdemeanor theft under the Westminster Municipal Code permits a potential jail sentence that is *thirty-six* times longer, and a fine that is almost *nine times* larger, than what would be allowed under state law. This significant sentencing discrepancy not only violates the preemption laws of Colorado, but also fundamental principles of equal protection under the Colorado Constitution.

Petitioner Aleah Michelle Camp was accused of theft of less than \$300 worth of goods. The officer who issued a summons decided to charge her under the more-punitive Westminster Municipal Code. Ms. Camp filed a motion to declare those charges unconstitutional, which the municipal court denied. This Court should issue an order to show cause both to address this

recurring fact pattern in the municipal courts and to correct the two primary errors in the municipal court's decision here.

First, Westminster's sentencing scheme is preempted by state law. The General Assembly's sweeping sentencing reforms in 2021 established an "overriding statewide concern" in sentencing fairness, which is frustrated by Westminster's punitive approach. *City of Northglenn v. Ibarra*, 62 P.3d 151, 155 (Colo. 2003). The protests that sparked this legislation and the General Assembly's response are exactly the kind of "changing conditions" this Court has said should play into the preemption analysis. *City of Commerce City v. State*, 40 P.3d 1273, 1281 (Colo. 2002). The municipal court erred by ignoring this sea change and relying instead on half-century-old law.

Second, Westminster's decision to charge Ms. Camp under a more punitive scheme violates her right to equal protection. "Colorado's guarantee of equal protection is violated where two criminal statutes proscribe identical conduct, yet one punishes that conduct more harshly." *People v. Lee*, 2020 CO 81, ¶ 14. That is exactly the case here: Westminster penalizes identical conduct (low-level theft) more harshly than the state. Yet the municipal court did not apply this Court's binding precedent.

Last year, the Court issued an order to show cause in a case raising exactly these issues. *See Mobley v. City of Rifle*, 2023SA289. That case was dismissed as moot after Rifle conformed its punishments with state law and dismissed all charges. But, as this case shows, these issues continue to cause confusion around the state. The Court should issue an order to show cause and clarify that municipalities cannot constitutionally punish identical conduct more harshly than is allowed under state law.

ISSUES PRESENTED

1. Whether state law preempts enforcement of Westminster Municipal Code section 6-3-1 to the extent that code provision punishes theft more harshly than a state statute criminalizing identical conduct.
2. Whether Westminster violated the Colorado Constitution's equal-protection guarantee by charging Petitioner under Westminster Municipal Code section 6-3-1, which punishes theft more harshly than a state statute criminalizing identical conduct.

IDENTITY OF THE UNDERLYING PROCEEDING AND THE PARTIES

The underlying proceeding is pending in the Municipal Court for the City of Westminster and is captioned: *People of the State of Colorado, by and*

through the City of Westminster v. Camp, Aleah Michelle. The case number is 2022-002574-MO, and the summons number is WMC2202508.

The petitioner in this matter is the defendant in the proceeding below: Aleah Michelle Camp. The proposed respondents against whom relief is sought are: (1) the Municipal Court for the City of Westminster, located at 3030 Turnpike Drive, Westminster, CO 80030; 303-658-2250; and (2) the People of the State of Colorado, by and through the City of Westminster, located at 3030 Turnpike Drive, Westminster, CO 80030; 303-658-2262.

BACKGROUND

On July 16, 2022, an officer in the Westminster Police Department issued a summons and complaint to Ms. Camp bringing one charge, described as: “6-3-1(A)(1) Theft – Less Than \$500 – Intend to Permanently Deprive.” Exhibit 2. The City later clarified that the alleged amount was less than \$300.

On September 2, 2024, Ms. Camp moved to declare sections 6-3-1 and 1-8-1 of the Westminster Municipal Code unconstitutional because they (1) are preempted by state law; and (2) violate the guarantee of equal protection under the Colorado Constitution to the extent they permit harsher punishment than would be allowed under state statutes prohibiting

identical conduct. Exhibit 3. The prosecution did not submit a written opposition to the motion.

On September 16, 2024, the municipal court heard argument on Ms. Camp's motion. That same day, the municipal court denied Ms. Camp's separate motion to continue her trial scheduled for three days later.

On September 19, 2024 – the day of trial – the municipal court issued a written ruling denying Ms. Camp's Motion to Declare Sections 6-3-1 and 1-8-1 of the Westminster Municipal Code Unconstitutional. *See* Exhibit 1. Focusing entirely on a fifty-year-old case finding that “[d]ifferences in penalties in statute and ordinance do not necessarily establish conflict” for purposes of preemption, the municipal court erroneously “decline[d] to go through the full analysis of preemption.” *Id.* at 1 (citing *City of Aurora v. Martin*, 507 P.2d 868 (Colo. 1973)). Further, the court held that the General Assembly's comprehensive reclassification of low-level offenses in 2021 “did not impact how municipalities handle the crime of theft.” *Id.*

The court also rejected Ms. Camp's equal-protection arguments based on an incorrect belief that Westminster need only demonstrate that its sentencing scheme “furthers a legitimate state purpose in a rational matter.” Exhibit 1 at 3 (citing *Bellendir v. Kezer*, 648 P.2d 645, 646–47 (Colo. 1982)). The

municipal court did not address *People v. Lee* or any of the other cases explaining that “Colorado’s guarantee of equal protection is violated where two criminal statutes proscribe identical conduct, yet one punishes that conduct more harshly.” 2020 CO 81, ¶ 14.

After the municipal court denied Ms. Camp’s motion, the case proceeded to trial and Ms. Camp was ultimately convicted. The court continued Ms. Camp’s sentencing to October 23, 2024.

IMMEDIATE REVIEW UNDER C.A.R. 21 IS WARRANTED

Jurisdiction under C.A.R. 21 “is proper when ‘an appellate remedy would be inadequate . . . or a petition raises an issue of first impression that has significant public importance.’” *People v. Howell*, 2024 CO 42, ¶ 5 (quoting *People v. Seymour*, 2023 CO 53, ¶ 16). Both conditions are met here.

First, Ms. Camp lacks an adequate remedy because she will soon be sentenced based on a charge that was unconstitutional when it was first brought—a charge that now subjects her to penalties far in excess of the permissible sentences under state law. A challenge to that decision is appropriate now because the constitutionality of the relevant provisions implicates whether Ms. Camp could have been lawfully “charged with” those offenses to begin with, given the coercive effect of those punitive

charges. *Lee*, ¶ 32. An ordinary appeal would likely be decided only after Ms. Camp serves any sentence and thus would come too late to remedy this violation of Ms. Camp's rights.

Second, this case raises an issue of first impression that implicates matters of statewide importance. The Court granted review under C.A.R. 21 under near identical circumstances in *Mobley v. City of Rifle*, 2023SA289, where the petitioners challenged their charges in municipal court on the ground that they violated equal protection. That case was dismissed on mootness grounds after Rifle amended its municipal code and dismissed its charges against the petitioners, preventing the Court from providing guidance to municipal courts on this issue.

Since this Court granted review in *Mobley*, multiple courts have faced constitutional challenges raising similar arguments. *See, e.g., The City of Longmont by and on behalf of the People of the State of Colorado v. Cristina Persechini*, Case No. 2024-cv-30086 (on direct appeal to the Boulder County District Court). City councils likewise have grappled with whether to change their municipal codes to avoid constitutional challenges. *See* Englewood City Council Regular Meeting Agenda (Sept. 16, 2024) § 11(a)(i) ("CB-17 Amendment to Municipal Code regarding maximum penalties to align with

state law.”), <https://englewoodgov.civicweb.net/document/425575>. This case provides an ideal vehicle for the Court to grant much-needed guidance on these issues.

ARGUMENT

I. Colorado law preempts Westminster Municipal Code section 6-3-1 to the extent it punishes theft more harshly than state law.

As a home-rule jurisdiction, Westminster enjoys limited powers to legislate. *See* Colo. Const. Art. XX, § 6. But the city is preempted from legislating on (1) issues of “overriding statewide concern” or (2) issues where there is a mixed matter of statewide and local concern, and a state statute conflicts with the municipal ordinance. *Ibarra*, 62 P.3d at 155; *City of Longmont v. Colorado Oil and Gas Assn.*, 2016 CO 29, ¶ 13 (Colo. 2016).

Because promoting uniformity and combatting racial disparities in misdemeanor sentencing is an issue of overriding statewide concern, the state’s enforcement regime in that regard preempts Westminster’s code. Alternatively, even if combatting misdemeanor theft is a mixed matter of state and local concern, Westminster’s sentencing scheme conflicts with state law and is therefore preempted.

A. Eliminating disparities in sentencing is a matter of overriding statewide concern.

To determine whether an issue is one of overriding statewide concern, this Court looks to criteria including “the need for statewide uniformity” and “whether the municipal legislation has an extraterritorial impact.” *Ibarra*, 62 P.3d at 156. Moreover, “changing conditions may affect the analysis of whether an issue is one of local, state, or mixed concern.” *City of Commerce City*, 40 P.3d at 1281.

More than fifty years ago, this Court held that combatting petty theft is “of both statewide and municipal concern.” *Quintana v. Edgewater Mun. Ct.*, 498 P.2d 931, 932 (Colo. 1972). But as times have changed, so too have the state’s concerns. Specifically, the General Assembly enacted sweeping changes to sentencing for crimes in 2021, in an effort to combat disparities in sentencing. That legislation, and the statewide interests in racial justice underpinning it, have transformed sentencing fairness and uniformity into an issue of overriding statewide concern, thus preempting attempts by municipalities like Westminster to undermine the General Assembly’s goals through inconsistently punitive local ordinances.

1. Eliminating disparities in sentencing requires statewide uniformity.

The “need for uniformity in the operation of the law may be a sufficient basis for state legislative preemption.” *Ryals v. City of Englewood*, 2016 CO 8, ¶ 21 (citation and alteration omitted). And the Court has “found statewide uniformity necessary when it achieves and maintains specific state goals.” *Ibarra*, 62 P.3d at 160.

In 2021, the General Assembly enacted legislation intended to eliminate racial disparities in criminal sentencing by mitigating the effects of individual discretion by system actors. This goal cannot be achieved without statewide uniformity.

The 2021 legislation arose from statewide racial justice protests in 2020. In June of that year, Governor Polis directed the Colorado Commission on Criminal and Juvenile Justice (“CCJJ”) to “tackle one of the most difficult issues affecting both adults and juveniles in the justice system, especially people of color: sentencing recalibration.” Exhibit 4 at 32. As part of this mandate, Governor Polis emphasized to CCJJ the need for “[e]nsuring statewide consistency in the application of sentencing guidelines that mitigate the effects of individual discretion by system actors” as well as

“[e]liminating unjustified disparity in sentences” and “[e]nsuring fair and consistent treatment.” *Id.* at 33. Governor Polis further requested that CCJJ complete its recommendations “so they may be enacted into law by the General Assembly during its 2021 legislative session.” *Id.* at 34.

That is exactly what happened: CCJJ drafted legislation that was introduced in the General Assembly as SB21-271, titled “An Act Concerning the Adoption of the 2021 Recommendations of the Colorado Criminal and Juvenile Justice Commission Regarding Sentencing for Offenses, and, in Connection Therewith, Making an Appropriation.” That bill was passed by the General Assembly and signed into law on July 6, 2021. The law created a comprehensive sentencing grid that reclassified crimes and their maximum punishments. As relevant here, SB21-271 imposed a strict sentencing rubric on charges of theft, categorizing theft based on the value of the property stolen, with a maximum punishment for each category. *See* §§ 18-1-401(2), 18-1.3-501–506, C.R.S. (2024).

The goals of SB21-271 are clear. The “legislative fact sheet” offered by the General Assembly sponsors in support of the bill reiterated that the new comprehensive sentencing rubric was aimed at “eliminating disparities based on race” through “[p]romot[ing] consistency,” creating “a unified

misdemeanor sentencing grid,” and ensuring that “[p]etty offenses” receive, at most, a “short jail sentence.” Exhibit 5. These goals, by their own terms, cannot be achieved without “statewide uniformity.” *Ibarra*, 62 P.3d at 160.

This Court has found other local ordinances to be preempted when faced with similar state laws that require uniformity. For instance, in *Ibarra*, the Court held that the state’s interest in “uniform and consistent commitment and placement criteria” for children who had been adjudicated delinquent outweighed a municipality’s interests in regulating land use and protecting its citizens’ welfare. 62 P.3d at 160. Likewise, in *City of Commerce City*, the Court recognized a need for statewide uniformity in the application of automated vehicle identification systems to enforce traffic laws, reasoning that individuals “could pass through multiple jurisdictions” and be subject to different local standards on any given day. 40 P.3d at 1281.

The same rationale applies here. The General Assembly has sought to impose statewide uniformity in criminal sentencing for theft to limit individual discretion and combat discrimination. Without such uniformity, SB21-271’s goals cannot be achieved. Actors in the criminal justice system would have broader discretion, which risks inconsistent and unfair disparities in sentences. And Coloradoans could be subject to vastly

differing punishments depending on whether they fall within one municipality or another at the time they are alleged to have committed an offense, or whether they are charged in municipal or state court.

The General Assembly's adoption of SB21-271 makes clear that the need for statewide uniformity in sentencing for low-level offenses is an overriding state interest. State law setting maximum punishments for petty theft thus preempts Westminster's more punitive sentencing scheme.

2. Westminster's sentencing scheme has extraterritorial impacts.

The state also has an "interest in avoiding the extraterritorial impact of laws" that may have "a ripple effect that impacts state residents outside the municipality." *Ibarra*, 62 P.3d at 161. Sentencing schemes like Westminster's, which punish conduct more harshly than equivalent state laws, pose at least two such ripple effects.

First, laws like Westminster's pose a risk of – and indeed, have already resulted in – a domino effect in which municipalities may dismantle the state's carefully crafted sentencing structure by enacting more severe punishments for similar offenses. Municipal courts "have in recent years become far more punitive forums than Colorado's state courts." Sam

Tabachnik & Shelly Bradbury, *How Colorado's municipal courts became the state's most punitive forum for minor crimes*, DENVER POST (Sept. 22, 2024), Exhibit 6. If one municipality enacts such a punitive approach – and collects revenue resulting from the higher fines, *see id.* – that increases the chance that neighboring municipalities will do the same, thereby undermining the General Assembly's efforts to cap sentences and eliminate racial disparities in sentencing. *See Ibarra*, 62 P.3d at 161–62 (noting that a ripple effect can be “compounded by the fact that other municipalities” may enact “similar ordinances”).

Second, the Westminster sentencing scheme has ripple effects because it risks punishing non-residents more punitively than state law permits. Unlike land-use regulations or other laws that almost exclusively affect residents, Westminster's punitive approach to theft affects anyone who happens to be charged with an offense within municipal boundaries. *See City of Commerce City*, 40 P.3d at 1284 (finding a ripple effect where the law “affects the residents of Colorado as a whole, as opposed to simply affecting local residents”).

* * *

It may have been the case that theft was a matter of mixed state and local concern when the Court last considered the issue 50 years ago in *Quintana*. But “changing conditions” have changed this analysis. *City of Commerce City*, 40 P.3d at 1281. In particular, the General Assembly’s adoption of SB21-271 made the elimination of racial disparities in criminal sentencing a matter of overriding statewide concern. Westminster’s contrary sentencing scheme is thus preempted.

B. Westminster’s sentencing scheme conflicts with state law.

Even if the Court determines that sentencing for theft is a matter of mixed state and local concern, Westminster’s sentencing scheme is still preempted because it conflicts with SB21-271’s operation.

When a local “ordinance conflicts with state law in a matter of . . . mixed state and local concern, the state law supersedes that conflicting ordinance.” *Longmont*, ¶ 18. A local ordinance operationally conflicts with state law if the ordinance “would materially impede or destroy a state interest.” *Id.* at ¶ 42.

The state’s interest in eliminating disparities in criminal sentencing is materially impeded by Westminster’s sentencing scheme. SB21-271 was designed to prevent disparities in criminal sentencing by “[e]nsuring

statewide consistency in the application of sentencing guidelines that mitigate the effects of individual discretion by system actors;” “[e]liminating unjustified disparity in sentences;” and “[e]nsuring fair and consistent treatment.” Exhibit 4 at 33. Westminster allows for sentences that are higher than the state’s maximums, thus giving *more* “discretion [to] system actors” and *more* “unjustified disparity in sentences” – in other words, exactly the opposite of what the General Assembly intended. *Id.*

This Court found an operational conflict under similar circumstances in *City of Commerce City*. There, three municipalities “permit[ted] fines greater than the maximum fines imposed by” state law for speeding violations. 40 P.3d at 1285. Given these inconsistent fines, the Court held that “the state legislation conflict[ed] with the Cities’ local ordinances and charters” and thus “clearly supersede[d]” the local laws. *Id.* The same is true here: Westminster’s municipal code provides for higher maximum fines (and higher maximum jail time) than state laws penalizing theft. It is thus superseded by state law.

Finally, *People v. Wade*, 757 P.2d 1074 (Colo. 1988) – the principal case on which the prosecution relied below – does not counsel a different result. There, the Court held that a municipality could provide a probation term

that was longer than the state sentence for the offense, despite the prohibition of the same practice under state law. *Id.* at 1077. The Court held this was so because the relevant state law expressly invited municipalities to “enact, adopt, or enforce traffic regulations which cover the same subject matter” as the state law, and therefore no “relevant legislation supports . . . a limitation” on municipalities’ ability to set punishments.” *Id.* at 1076–77.

None of that is true here. SB21-271 does not invite contradictory sentencing provisions, and such provisions would undermine the goals it was enacted to achieve. Further, *Wade* did not, and could not, account for the “changing conditions” reflected in SB 21-271. *City of Commerce City*, 40 P.3d at 1281. *Wade* did not analyze the state’s interest in the elimination of racial disparities in criminal sentencing that was articulated in SB21-271. In fact, *Wade* does not even relate to criminal sentencing under Title 18 *at all*; its analysis is limited to probation under Title 16. *Wade* is thus inapposite.

II. The City of Westminster violated the Colorado Constitution’s equal-protection guarantee by charging Ms. Camp under Westminster Municipal Code section 6-3-1.

Even if Westminster had the authority to enact a sentencing scheme more punitive than the state law scheme, it cannot apply that sentencing scheme to Ms. Camp without violating her right to equal protection. The

Colorado Constitution “does not empower home rule cities to deny substantive rights conferred upon all of the citizens of the state.” *Hardamon v. Mun. Ct.*, 497 P.2d 1000, 1002 (Colo. 1972); *see also City of Greenwood Village v. Fleming*, 643 P.2d 511, 516 (Colo. 1982) (the Colorado Constitution “prohibits a home rule city from removing . . . basic criminal safeguards”). Here, Westminster cannot charge Ms. Camp under an ordinance that by its plain language abrogates her right to equal protection.

A. Ms. Camp cannot be charged under Westminster’s municipal code because it punishes petty theft more harshly than Colorado’s theft statute.

The due-process clause of the Colorado Constitution “assures the like treatment of all persons who are similarly situated.” *Dean v. People*, 2016 CO 14, ¶ 11; Colo. Const. art. II, § 25. For more than sixty years, and across more than two-dozen opinions,¹ this Court has held that the equal-protection

¹ *See People v. Lee*, 2020 CO 81, ¶ 14; *People v. Griego*, 2018 CO 5, ¶ 35; *Dean v. People*, 2016 CO 14, ¶ 14; *Campbell v. People*, 73 P.3d 11, 12 (Colo. 2003); *People v. Stewart*, 55 P.3d 107, 114 (Colo. 2002); *People v. Richardson*, 983 P.2d 5, 7 (Colo. 1999); *People v. Dist. Ct.*, 964 P.2d 498, 500 (Colo. 1998); *People v. Rickstrew*, 775 P.2d 570, 574 (Colo. 1989); *People v. Cagle*, 751 P.2d 614, 619 (Colo. 1988); *People v. Onesimo Romero*, 746 P.2d 534, 536–37 (Colo. 1987); *People v. Oliver*, 745 P.2d 222, 227 (Colo. 1987); *People v. Mozee*, 723 P.2d 117, 126 (Colo. 1986); *People v. Bossert*, 722 P.2d 998, 1003 (Colo. 1986); *People v. Armstrong*, 720 P.2d 165, 168 (Colo. 1986); *People v. Wilhelm*, 676 P.2d 702, 704 (Colo. 1984); *People v. Owens*, 670 P.2d 1233, 1238 (Colo. 1983); *People v.*

guarantee embedded within the due-process clause prohibits enforcement of laws “which prescribe different punishments for the same violations committed under the same circumstances by persons in like situations.” *Trueblood v. Tinsley*, 366 P.2d 655, 659 (Colo. 1961). In other words, “Colorado’s guarantee of equal protection is violated where two criminal statutes proscribe identical conduct, yet one punishes that conduct more harshly.” *Lee*, ¶ 14.

The equal-protection analysis is straightforward: A court must first determine whether the two laws at issue proscribe conduct that is either “identical” or so similar that “a person of average intelligence” could not distinguish between the two offenses. *Lee*, ¶ 14. This determination can be made based on the plain language of the laws or by reference to how the laws at issue operate “as-applied” in a given case. *Id.* at ¶ 15. If the two laws prohibit distinguishable conduct, there is no equal-protection violation. But

Mumaugh, 644 P.2d 299, 301 (Colo. 1982); *People v. Marcy*, 628 P.2d 69, 74–75 (Colo. 1981); *People v. Westrum*, 624 P.2d 1302, 1303 (Colo. 1981); *People v. Estrada*, 601 P.2d 619, 621 (Colo. 1979); *People v. Dominguez*, 568 P.2d 54, 55 (Colo. 1977); *People v. Hulse*, 557 P.2d 1205, 1206 (Colo. 1976); *People v. Calvaresi*, 534 P.2d 316, 318 (Colo. 1975); *People v. Bowers*, 530 P.2d 1282, 1283 (Colo. 1974); *Trueblood v. Tinsley*, 366 P.2d 655, 659 (Colo. 1961).

if the laws proscribe indistinguishable conduct, a defendant can be charged only under the law that punishes the conduct more leniently. *Id.* at ¶¶ 26, 37.

This case involves two laws that penalize Ms. Camp’s alleged theft of less than \$300 worth of goods. The first is a state statute: section 18-4-401, C.R.S. (2024). The second is a provision of the Westminster Municipal Code: section 6-3-1(A)(1).

These two provisions criminalize identical conduct. Both offenses prohibit “knowingly” stealing goods and use identical language to describe the prohibited act. Indeed, the provisions’ elements are a mirror image:

	W.M.C. § 6-3-1(A)(1)	C.R.S. § 18-4-401(1)(a)
<i>Mens rea</i>	Knowingly	Knowingly
<i>Actus reus</i>	Obtains or exercises control over	Obtains or exercises control over
Thing Stolen	Anything of another	Anything of another
Authorization	Without authorization or by threat or deception	Without authorization or by threat or deception
Intent	Intends to deprive the other person permanently of the use or benefit of the thing of value	Intends to deprive the other person permanently of the use or benefit of the thing of value

Punishment	Criminal offense subject to imprisonment of up to 364 days or a fine up to \$2,650. <i>See</i> W.M.C. §§ 6-3-1(I); 1-8-1(A).	For goods worth less than \$300: up to \$300 fine or 10 days in jail, or both. <i>See</i> § 18-4-401(2)(b); § 18-1.3-503(1.5), C.R.S. (2024).
-------------------	---	--

As reflected above, the only difference between the two laws is how they punish theft. Under the state statute, stealing an item valued at less than \$300 constitutes a petty offense, § 18-4-401(2)(b), punishable by “a fine of not more than three hundred dollars, imprisonment for not more than ten days in a county jail, or both,” § 18-1.3-503(1.5), C.R.S. (2024). By contrast, under the Westminster ordinance, theft of an item valued at less than \$1,000 is punishable by a fine of up to \$2,650 and imprisonment up to 364 days. W.M.C. §§ 6-3-1(A)(1), (I); 1-8-1(A).² Both laws punish the same act (petty theft), but the Westminster ordinance does so in a much harsher fashion, with nearly *nine times* the maximum fine and over *thirty-six times* the maximum term of imprisonment.

² At the time Ms. Camp was charged, this ordinance provision applied only to theft of goods worth less than \$500. *See, e.g.*, W.M.C. § 6-3-1(A)(1) (June 30, 2022). The ordinance has since been amended to apply to theft of goods worth less than \$1,000. The amendment has no effect on the charges against Ms. Camp, which fall within the scope of either version of the ordinance.

These widely differing punishments violate equal protection as applied to Ms. Camp. The officer charging Ms. Camp could have brought charges under either state law or the municipal code. In an exercise of unfettered and unreviewable discretion, that officer decided to charge Ms. Camp under the Westminster Municipal Code and issue a summons for appearance in municipal court. As a result, Ms. Camp now faces drastically harsher punishment. The decision to charge Ms. Camp under the harsher Westminster ordinance squarely contravenes this Court's mandate that a defendant "must" be charged under the more lenient of two laws that prohibit identical conduct. *Lee*, ¶ 26. Accordingly, this Court should reverse the municipal court's ruling and hold that Ms. Camp cannot be charged under the unconstitutionally punitive Westminster Municipal Code provision criminalizing theft.

B. The equal-protection doctrine applies with the same force in the context of municipal ordinances.

The municipal/state distinction does not change the rationales underlying Colorado's equal-protection doctrine. The doctrine is intended to "enhance[] the evenhanded application of the law in the process of judicial adjudication" and give "fair warning" to individuals who may be charged

for an offense. *People v. Marcy*, 628 P.2d 69, 73–74 (Colo. 1981), *superseded by statute on other grounds as recognized by People v. Jefferson*, 748 P.2d 1223 (Colo. 1988). In other words, equal protection is meant to prevent exactly the kind of unfettered discretion that the officer charging Ms. Camp was able to exercise here—and the attendant risk of discrimination that comes along with that discretion.

If anything, the guardrails provided by equal protection are even more vital in the context of municipal courts. Cases tried in municipal court are governed by “simplified procedures” and are typically subject to less oversight. Colo. Mun. Ct. Rule 204. Observers have noted that this lack of oversight provides “an opportunity for civil liberties violations and other abusive practices to occur unnoticed, unreported, and unaddressed.” *See* ACLU of Colorado, *Justice Derailed* 3 (2017), <https://www.aclu-co.org/sites/default/files/justice-derailed-web.pdf>, Exhibit 7.

One result of these disparities is that defendants in municipal courts are, on average, sentenced to *five times* as long in jail when compared to defendants convicted of similar offenses in district court. *See* Exhibit 6, Tabachnik & Shelly, *supra* (collecting data from more than 400 theft and trespassing convictions). And this average masks significant variation

among municipalities, with some courts sentencing defendants up to 90 days for petty theft charges like those brought against Ms. Camp, whereas in other municipalities, “people convicted of theft usually spent no time in jail.” *Id.* That kind of regional disparity is a far cry from the “evenhanded application of the law” that the equal-protection guarantee is meant to secure. *Marcy*, 628 P.2d at 73–74.

Equal protection is a right afforded to all Coloradans. That constitutional guarantee does not disappear at a city’s borders just because local legislators try to exert harsher punishment for offenses treated more leniently by the state.

C. The Court should reaffirm the viability of Colorado’s longstanding equal-protection doctrine.

In more than two-dozen opinions spanning more than sixty years, this Court has repeatedly reaffirmed the validity of Colorado’s equal-protection doctrine. *Supra* note 1. Those cases make clear that the doctrine is the “prevailing” law of the state and a “long held” principle of the state Constitution. *Lee*, ¶¶ 3, 14; *see also People v. Wilhelm*, 676 P.2d 702, 704 (Colo. 1984) (noting the doctrine’s “well-settled” status forty years ago); *People v. Bowers*, 530 P.2d 1282, 1283 (Colo. 1974) (calling the doctrine a “basic

principle of constitutional law”). Even dissenting members of this Court have noted “that the equal protection tenets underpinning” the doctrine “are entrenched in the Colorado Constitution.” *Lee*, ¶ 43 (Samour, J., dissenting).

Under the doctrine of stare decisis, the Court “will depart from [its] existing law only if [it is] clearly convinced that (1) the rule was originally erroneous or is no longer sound because of changing conditions and (2) more good than harm will come from departing from precedent.” *Love v. Klosky*, 2018 CO 20, ¶ 15. In other words, the Court’s precedent remains good law absent a “sound reason for rejecting it.” *People v. Quimby*, 381 P.2d 275, 277 (Colo. 1963). The facts of this case underline the continued need for Colorado’s equal-protection doctrine, and there are no sound reasons for abandoning it after more than half a century.

- 1. Colorado’s equal-protection doctrine is based on the Court’s well-founded, independent interpretation of Colorado’s due-process clause.**

This Court’s numerous equal-protection cases were not “originally erroneous” because they were based on a sound exercise of this Court’s duty to interpret the Colorado Constitution independent from similar guarantees in the United States Constitution. *Love*, ¶ 15.

This Court's early opinions described the prohibition on "different punishments for the same violations" as stemming from the Fourteenth Amendment's equal-protection guarantee. *Trueblood*, 366 P.2d at 659; *People v. Bramlett*, 573 P.2d 94, 96 (Colo. 1977). But in *United States v. Batchelder*, 442 U.S. 114, 123 (1979), the United States Supreme Court held that was no longer the rule for purposes of federal law.

Soon after *Batchelder* was decided, this Court decided to chart an independent course. In *People v. Estrada*, the Court reviewed *Batchelder* and concluded that it was "not persuaded by the Supreme Court's reasoning on this issue and expressly decline[d] to apply it to our own State Constitution's due process equal protection guarantee." 601 P.2d 619, 621 (Colo. 1979). The Court explained that the independent guarantee of due process found in the Colorado Constitution prohibits "a penalty scheme that provides widely divergent sentences for similar conduct and intent." *Id.* And since *Estrada*, this Court has consistently recognized that Colorado's equal-protection doctrine is a creature of state—not federal—constitutional law. *See, e.g., Dean*, ¶ 14 ("Shortly after *Batchelder*, this court declined to apply the reasoning of that decision to the Colorado Constitution's due process equal protection guarantee."); *Wilhelm*, 676 P.2d at 704 ("It is well-settled that

separate statutes proscribing the same criminal conduct with different penalties violate the guaranties of equal protection of the laws contained in Article II, Section 25 of the Colorado Constitution.”); *Lee*, ¶¶ 12-14.

This Court’s decision to give independent meaning to the Colorado Constitution’s due-process clause was sound. “[T]he Colorado Constitution may afford greater due process protections to a criminal defendant than the U.S. Constitution.” *People v. Dunaway*, 88 P.3d 619, 630 (Colo. 2004); *see also Vega v. People*, 893 P.2d 107, 110 n.5 (Colo. 1995) (noting that the Colorado due-process clause “requires *at a minimum* the same guarantees” as federal due process (emphasis added)). Similarly, “[e]qual protection of the laws under the Fourteenth Amendment . . . is not necessarily the limit of” this Court’s “responsibility to the rational and evenhanded application of the law under our state system of criminal justice.” *Marcy*, 628 P.2d at 73.

When this Court has interpreted other provisions in the Colorado Constitution differently from federal analogues, it has done so in circumstances similar to those here. In particular, where the text of the Colorado Constitution does not align with its equivalent provision in the United States Constitution, this Court is more likely to depart from federal jurisprudence. For example, “the significant textual differences between” the

Second Amendment and Article II, Section 13 of the Colorado Constitution mean that the Second Amendment framework is not controlling in the context of the state Constitution. *Rocky Mountain Gun Owners v. Polis* (“RMGO”), 2020 CO 66, ¶¶ 42, 40–47. Similarly, that “the text of article II, section 10 actually differs from that of the First Amendment” means that “the state constitution . . . provid[es] greater protection for individual freedom of expression than the Federal Constitution.” *Curious Theatre Co. v. Colo. Dep’t of Pub. Health & Env’t*, 220 P.3d 544, 551 (Colo. 2009).

That is exactly the case here. The “Colorado Constitution does not contain a direct corollary to the Equal Protection Clause of the Fourteenth Amendment.” *Central Colo. Water Conservancy Dist. v. Simpson*, 877 P.2d 335, 340–41 (Colo. 1994). Instead, that guarantee is implicit in Colorado’s due-process clause. *People v. Max*, 198 P. 150, 156 (Colo. 1921). Given that there is no textual overlap between the Fourteenth Amendment’s express equal-protection guarantee and Colorado’s equal-protection guarantee, there is no reason to think the rights stemming from those guarantees need be identical. This Court has eschewed identical interpretation of Colorado’s equal-protection guarantees in other instances, “reject[ing]” a federal test for deciding “whether rights are fundamental” under the Colorado

Constitution. *Colo. Dep't of Soc. Servs. v. Bd. of Cnty. Comm'rs of the Cnty. of Pueblo*, 697 P.2d 1, 14 (Colo. 1985), *superseded on other grounds by statute*. The same independent treatment is warranted here.

Ultimately, this Court has “a responsibility to engage in an independent analysis of our own state constitutional provision in resolving a state constitutional question.” *RMGO*, ¶ 34. For more than forty years, the Court has done just that by interpreting Colorado’s due-process and equal-protection guarantees to provide relief for defendants like Ms. Camp. This line of cases was not “erroneous,” and should be upheld. *Love*, ¶ 15.

2. There are no changed conditions that would warrant abandoning this Court’s long-held precedent.

Colorado’s independent equal-protection doctrine is the “prevailing” and “long held” rule in this state. *Lee*, ¶¶ 3, 14. It is thus not sufficient to show the Court’s opinions reaffirming the doctrine are “so-called ‘wrong’ decision[s]” because the Court “would not be justified in overruling those cases unless there be compelling reasons for so doing.” *City & Cnty. of Denver v. Duffy Moving & Storage Co.*, 450 P.2d 339, 342 (Colo. 1969). That typically requires showing that the doctrine “is no longer sound because of changing conditions.” *Love*, ¶ 15. Here, no conditions have changed that would

undermine this Court's independent interpretation of the Colorado Constitution. Indeed, if anything, changing conditions have underlined the importance of equal protection in this area. *See supra* § I.A.

When this Court has overruled its own precedent to align with federal precedent in the past, it has been because the Court has “long interpreted” the equivalent provision in Colorado’s Constitution “as commensurate with the [analogous] federal” constitutional provision. *Nicholls v. People*, 2017 CO 71, ¶ 31; *see also People v. Dist. Court*, 834 P.2d 181, 194 (Colo. 1992) (“[W]e will not depart from our past decisions in which we agreed with the United States Supreme Court’s seminal definition of an ex post facto law.”). By contrast, when the Court has already “long ago charted a different course” than the United State Supreme Court, it typically continues to do so absent compelling reasons to return to the federal standard. *RMGO*, ¶ 42; *accord, e.g., People v. Seymour*, 2023 CO 53, ¶ 30 (declining “to change course” where the Court has “long rejected” certain aspects of Fourth Amendment law); *Tattered Cover, Inc. v. City of Thornton*, 44 P.3d 1044, 1054 (Colo. 2002) (upholding “expansive” constitutional protections in light of Colorado’s “extensive history of affording broader protection under the Colorado Constitution for expressive rights”).

In the forty years since *Batchelder*, this Court has charted a different course than the United States Supreme Court by providing greater guarantees for criminal defendants under equal protection. Although other states may have followed *Batchelder* in the intervening time, this Court has consistently reaffirmed the validity of Colorado's equal-protection doctrine. See *Lee*, ¶ 45 & n.2 (Samour, J., dissenting) (collecting other states' decisions). There are thus no changed conditions that would justify departing from this Court's valid, independent interpretation of the Colorado Constitution since *Estrada*. See *Love*, ¶ 15.

3. Abandoning Colorado's equal-protection doctrine would do more harm than good.

Under the doctrine of stare decisis, this Court typically abandons established law only if "more good than harm will come from departing from precedent." *Love*, ¶ 15. The inverse is true here: If this Court abandons its longstanding equal-protection rule, it would upset expectations and prejudice defendants in exchange for no clear benefit.

First, parties have relied on the Court's equal-protection doctrine for over sixty years. Given that this Court has upheld the validity of the doctrine in over two-dozen opinions, *supra* note 1, it has helped provide certainty as

to how conduct will be charged and punished. In light of this well-settled reliance, “retreating from” the equal-protection doctrine would “unfairly upset settled expectations.” *Vigil v. People*, 2019 CO 105, ¶ 22. That is particularly so given that the Court has never wavered from its independent interpretation of the Colorado Constitution’s equal-protection guarantee. *Compare with McKnight*, ¶ 28 (explaining the Court’s less-consistent “interpretive independence” in the context of constitutional protections for searches and seizures).

Second, the Court does not overrule precedent “where such departure would promote injustice or defeat justice.” *In re Title, Ballot Title, Submission Clause, Summary for 1999-2000 No. 29*, 972 P.2d 257, 263 (Colo. 1999). This Court has typically taken away an existing, independent constitutional protection only when new “constitutional doctrines now exist to protect defendants.” *People v. LaRosa*, 2013 CO 2, ¶ 30. Here, by contrast, abandoning Colorado’s equal-protection doctrine would result in a complete loss of an important protection against arbitrary charging decisions that provides defendants with “fundamental fairness essential to the very concept of justice.” *McGuire v. People*, 749 P.2d 960, 961 (Colo. 1988).

* * *

This Court was justified in interpreting the Colorado Constitution to provide greater due-process protections than the federal Constitution. No circumstances have changed that would undermine this conclusion. And changing course now would upset settled expectations, prejudice defendants across the state, and provide no countervailing benefit for victims. By contrast, adherence to the Court’s equal-protection doctrine “promotes uniformity, certainty, and stability of the law.” *LaRosa*, ¶ 28. The Court should reaffirm the validity of Colorado’s equal-protection doctrine.

CONCLUSION

The Court should issue an order to show cause as to why the Westminster municipal court did not err by holding it can punish defendants for theft more severely than authorized by the General Assembly.

Moreover, given the complexity of the issues involved in this case, undersigned counsel respectfully requests that the Court set this matter for oral argument to give the parties full opportunity to address the issues.

Respectfully submitted this 16th day of October, 2024.

/s/ Al Kelly
Robert C. Blume, No. 37130
Al Kelly, No. 55112

NoahLani Litwinsella, No. 58016
GIBSON, DUNN & CRUTCHER LLP
1801 California Street, Suite 4200
Denver, CO 80202-2641
Telephone: 303.298.5742
Email: rblume@gibsondunn.com
akelly@gibsondunn.com
nlitwinsella@gibsondunn.com

Yun Wang, No. 52378
BRITT, TSHERING & WANG, LLC
999 18th Street, Suite 3000
Denver, CO 80202
Phone: (303) 386-7125
Email: ywang@btwlegal.com

*Attorneys for Petitioner Aleah Michelle
Camp*

CERTIFICATE OF SERVICE

I hereby certify that, on October 16, 2024, a true and correct copy of this pleading was served via email upon:

Mark Brostrum
City of Westminster City Attorney's Office
3030 Turnpike Drive
Westminster, CO 80030
mbrostro@westminsterco.gov

Municipal Court for the City of Westminster
3030 Turnpike Drive
Westminster, CO 80030
court@westminsterco.gov

John T. Lee
Colorado Office of the Attorney General³
Ralph L. Carr Judicial Building
1300 Broadway, 10th Floor
Denver, CO 80203
John.Lee@coag.gov

/s/ Al Kelly

³ Service was provided on Colorado Office of the Attorney General pursuant to § 16-9-501, C.R.S. (2024).