

COLORADO COURT OF APPEALS

DATE FILED: December 17, 2014 2:20 PM

2 East 14th Ave.,
Denver, CO 80203

Appeal from Moffat County District Court
Honorable Michael O’Hara
Case Number 14CR95

Appellant:
People of the State of Colorado
Appellee:
Brian Good

^ Court Use Only ^

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Case Number:

NOTICE OF APPEAL

The People, pursuant to C.A.R. Rule 4(b), give notice that they elect to appeal the ruling of the Moffat County District Court in the above-captioned case number 14CR95, dismissing all charges after a finding that the defendant was immune from prosecution under C.R.S. 18-1-711. The People contend that the trial courts legal ruling is erroneous, because its own factual findings do not support its ruling under C.R.S. 18-1-711. Additionally, that the court erroneously applied the evidence presented at hearing to C.R.S. 18-1-711.

1. In case number 12CR95, the People charged Appellee Brian Good (hereinafter “the Defendant”) with possession of a controlled substance, unlawful use of a controlled substance and possession of drug paraphernalia.
2. Prior to a trial setting, on November 3rd 2014, defendant filed a “motion to dismiss case due to immunity from prosecution.” The People filed two responses with the district court on November 19th 2014 and December 4th 2014. An immunity hearing was held on December 8th 2014 and numerous exhibits were put into evidence. Because this present appeal is an appeal from the District Court, and because it is not an interlocutory appeal, the Court of Appeals has jurisdiction.
3. Throughout the hearing, evidence was presented that the defendant went to the public safety center in Craig, Colorado because he believed the mafia

was chasing him and he was seeking shelter. Defendant would later report to law enforcement that he had used methamphetamine, that his wife and the mafia were trying to kill him and had laced his methamphetamine.

Defendant never requested medical treatment. The evidence presented showed defendant was under the influence but not subject to a medical emergency or an overdose situation.

4. The People hereby give notice that they intend to appeal the ruling of the district court, dismissing all charges. The transcript of evidence taken at the motions hearing on December 8th 2014 and December 9th 2014 is necessary to resolve the issues on appeal, it will likely exceed twenty-five pages in length, and the name of the court reporter is Lynn Vetepo. The People further inform the Court that the ruling of the District Court that the People intend to appeal was memorialized in writing. Additionally, the Court made factual findings on the record on December 9th 2014.

Respectfully submitted this 17th day of December, 2014.

BRETT D. BARKEY,
District Attorney

By: /s/
Kathryn L. Brown, #43638
Deputy District Attorney