

<p>COURT OF APPEALS, STATE OF COLORADO</p> <p>2 East 14th Ave. Denver, CO 80203</p> <hr/> <p>Mesa County District Court Honorable Matthew D. Barrett, Judge Case No. 22CR371</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>Plaintiff-Appellee,</p> <p>v.</p> <p>TINA PETERS</p> <p>Defendant-Appellant.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>PHILIP J. WEISER, Attorney General LISA K. MICHAELS, Senior Assistant Attorney General* Registration Number: 38949 Ralph L. Carr Colorado Judicial Center 1300 Broadway, 10th Floor Denver, CO 80203 *Counsel of Record</p>	<p>Case No. 24CA1951</p>
<p style="text-align: center;">NOTICE OF ERRATUM</p>	

At oral argument, when discussing the Criminal Impersonation jury instruction issue, members of this Court raised a concern about whether Defendant was *properly charged* with Conspiracy to Commit Criminal impersonation as a felony. In light of the Court’s expressed

concerns, the People reviewed the issue to consider whether any change of position was warranted in the interests of justice.

During that review, the People became aware of a fact they previously overlooked during the briefing and oral argument: that the offense in this case was committed before the effective date of the 2021 amendments to the Criminal Impersonation statute. *See* CF, pp.8, 2302, 4643 (offense committed on or about May 18-27, 2021); S.B. 21-271, Ch. 462, § 233, § 803(2) (applies to offenses committed after the effective date of March 1, 2022). When Defendant committed the offense in May 2021, the statute in effect provided, in relevant part:

(1) A person commits criminal impersonation if he or she knowingly:

...

(b) Assumes a false or fictitious identity or capacity, legal or other, and in such identity or capacity he or she:

(I) Performs an act that, if done by the person falsely impersonated, ***might subject*** such person to an action or special proceeding, civil or criminal, or to liability, charge, forfeiture, or penalty;

...

(2) Criminal impersonation is a class 6 felony.

§ 18-5-113(1)(b)(I), (2), C.R.S. (2021) (emphasis added). The language from the 2021 version of the statute is the language used in both the indictment and the jury instruction. CF, pp.8, 4619.

The People regret this oversight and present this information to the Court in the interests of justice and in observance of our duty of candor.

PHILIP J. WEISER
Attorney General

/s/ Lisa K. Michaels

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **NOTICE** upon **PETER TICKTIN, JOHN CASE, PATRICK MCSWEENEY, ROBERT CYNKAR**, and all parties herein, via Colorado Courts E-filing System on January 23, 2026.

/s/ Lisa K. Michaels
