

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED January 29, 2026 CASE NUMBER: 2024CA1951
Mesa County 2022CR371	
Plaintiff-Appellee: The People of the State of Colorado, v. Defendant-Appellant: Tina Marie Peters.	Court of Appeals Case Number: 2024CA1951
ORDER OF THE COURT	

To: The Parties

The Court is in receipt of a Notice of Erratum (the Notice) filed by the People on January 23, 2026, addressing the issue surrounding the charge and conviction for conspiracy to commit criminal impersonation. This issue, which was addressed in the parties’ briefing and discussed extensively at oral argument, concerns Defendant’s contention that, though her conviction for this offense was entered and sentenced as a felony, under the criminal impersonation statute, the specific language of the charge is classified as a misdemeanor.

Now, nearly six months after filing their answer brief and more than a week after oral argument, the People for the first time bring our attention to a 2021 amendment to the criminal impersonation statute that took effect March 1, 2022. *See* Ch. 462, sec. 233, § 18-5-113, 2021 Colo. Sess. Laws 3182-83. Neither party mentioned or acknowledged this intervening statutory change in their briefing or

at oral argument, *see Galvan v. People*, 2020 CO 82, ¶ 45 (“[W]e adhere to the party presentation principle, which relies on the parties to frame the issues to be decided and assigns to courts the role of neutral arbiters of the matters raised.”), nor did we notice it before the People filed the Notice.

In the Notice, the People inform us that, while the 2023 amendment to the criminal impersonation statute currently establishes both a misdemeanor offense and a felony offense, the criminal impersonation statute in effect at the time of the alleged offense (i.e., May of 2021) only established a felony offense, and that such felony offense required proof that the defendant assumed a false or fictitious identity and performed an act that “*might subject* such person [whose identity was used] to an action or special proceeding, civil or criminal, or to liability, charge, forfeiture, or penalty.” § 18-5-113(1)(b)(I), C.R.S. 2021 (emphasis added); *see also* § 18-5-113(2)(a), C.R.S. 2021 (providing that a violation of section 18-5-113(1)(b)(I), C.R.S. 2021, is a class 6 felony). The People contend that this is the version of the statute that the court applied at trial and that properly applies to Defendant’s conspiracy to commit criminal impersonation charge.

We note that the Notice is not an errata, which is generally used to correct an isolated misstatement of fact or incorrect citation to authority. The Notice is more in the nature of a brief containing a supplemental argument. That being said, it raises a significant issue that is germane to our consideration and resolution of Defendant’s challenge to her conviction of the class 6 felony of conspiracy to commit criminal impersonation. We deem the Notice to be a supplemental answer brief and accept it as such. But Defendant must be given the opportunity to respond.

IT IS THEREFORE ORDERED:

Within fourteen days of the date of this order, Defendant may file, in the

nature of a supplemental opening brief, a response to the matters addressed in the Notice. This supplemental brief shall be no more than 3,000 words long.

The People may file a reply to the Defendant's supplemental brief, limited to 1,500 words, within seven days of Defendant serving any supplemental opening brief.

BY THE COURT
Welling, J.
Tow, J.
Lipinsky, J.