APPENDIX 1

Published Opinion of the

Colorado Court of Appeals

18CA0065 Peo v Tademy 07-09-2020

COLORADO COURT OF APPEALS

DATE FILED: July 9, 2020
CASE NUMBER: 2018CA65

Court of Appeals No. 18CA0065
City and County of Denver District Court No. 16CR3685
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Lamar Tademy,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GROVE
Furman and Berger, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced July 9, 2020

Philip J. Weiser, Attorney General, Jennifer Carty, Assistant Attorney General, Denver, Colorado, for Plaintiff-Appellee

Susan T. Almony, Alternate Defense Counsel, Broomfield, Colorado, for Defendant-Appellant

¶ 1 The defendant, Brandon Lamar Tademy, appeals the judgment of conviction from a jury verdict finding him guilty of first degree murder. We affirm.

I. Background

¶ 2 This case arose from the shooting death of E.H. on November 3, 2015. At trial, the prosecution, largely through the testimony of Tademy's girlfriend, I.M., painted the following picture of the night in question.

¶ 3 Outside of the Sand and Sage Motel on East Colfax Avenue, Tademy spotted E.H. playing a game of dice with two other men. Tademy recognized E.H.— nicknamed 'LM' or 'Little Murder' — as a member of a gang rival to his own. According to I.M., a senior member of E.H.'s gang nicknamed 'Big Murder' had, sometime previously, shot Tademy nine times. For this, Tademy sought revenge on E.H.'s gang.

¶ 4 Tademy called I.M. and told her to meet him at Colfax and Verbena Street because he had "seen Little Murder." I.M., who had just gotten off work, settled her kids with a babysitter and drove to meet Tademy. When she arrived, Tademy pointed out E.H. in front of the motel. Tademy walked into an alley behind the motel and

told I.M. to follow him. He exited the alley onto Wabash Street, where I.M. parked the car. Tademy then walked onto the motel property and out of I.M.'s line of sight. Moments later, I.M. heard a gunshot. Tademy ran back to the car, jumped into the passenger seat, and they left. As they drove, Tademy told I.M. to calm down and drive carefully because "he got him." On the way home, they stopped at Tademy's storage locker because Tademy wanted to stow his gun, a .45 caliber pistol. After they arrived at home, Tademy "t[ook] off all his clothes and put[] them in a bag," and "thr[e]w them across the street."

¶ 5 The People charged Tademy with one count of first degree murder the following June. Later, during recorded phone calls that Tademy made to I.M. from jail, I.M. told Tademy about surveillance video that showed a man running up to her car. In response, Tademy told I.M. that the police were trying to scare a confession out of her, and that she should have lied. He then told I.M. to remove guns and a safe from his storage unit. She did so.

¶ 6 A jury found Tademy guilty of first degree murder and the trial court sentenced him to life in prison without parole. Tademy now appeals that conviction on three grounds. He contends that the

trial court erred by (1) denying his motion to sanction the prosecution for destruction of evidence; (2) failing to provide a cautionary instruction to the jury on uncorroborated accomplice testimony; and (3) allowing the jury unrestricted access to certain video and audio exhibits during deliberations. We will address each issue in turn.

II. Destruction of Evidence

¶ 7 Tademy contends that the trial court reversibly erred by denying his motion to dismiss the case or reduce the charges against him as a sanction for the loss of evidence collected by the Denver Police Department (DPD). We disagree.

¶ 8 While investigating E.H.'s homicide, DPD Detective Michael Martinez took statements from several people claiming to have information about the case. His failure to preserve recordings of two of those interviews — one with B.C. and one with K.S. — is at issue here. Both interviews were video and audio recorded and stored on compact discs. When it came time for the prosecution to turn its evidence over to the defense, however, Martinez was unable to locate either recording. They were thus never produced.

¶ 9 Before trial, Tademy filed a motion seeking sanctions for the destruction of evidence, arguing that the prosecution had a duty to preserve and produce the recordings because the evidence they contained was potentially exculpatory. The prosecution's failure to do so, Tademy alleged, was a violation of his due process rights. After a pretrial hearing on that and several other issues, the trial court issued a written order imposing some sanctions but refusing to dismiss the case or reduce the charges.

A. Standard of Review

¶ 10 A trial court's ruling on a discovery issue is reviewed for an abuse of discretion. *People v. Zadra*, 2013 COA 140, ¶ 14, *aff'd*, 2017 CO 18. However, we review a trial court's application of the governing legal standard de novo. *In re Estate of Little*, 2018 COA 169, ¶ 17. The prosecution's handling of potentially exculpatory evidence implicates a defendant's due process rights under the Fourteenth Amendment to the United States Constitution. *Brady v. Maryland*, 373 U.S. 83, 85-86 (1963).

¶ 11 To establish that the prosecution's failure to preserve potentially exculpatory evidence was a violation of the defendant's due process rights, the defendant must prove that (1) the evidence

was destroyed by the prosecution; (2) the evidence possessed exculpatory value that was apparent before it was destroyed[1]; and (3) the defendant was unable to obtain comparable evidence by other reasonably available means. *People v. Greathouse*, 742 P.2d 334, 337-38 (Colo. 1987); *People v. Simpson*, 93 P.3d 551, 556-57 (Colo. App. 2003). These are known as the *Greathouse* factors.

B. B.C.'s Recorded Interview

¶ 12 When interviewed by Martinez, B.C. stated that, on the night in question, he heard shots while he was driving nearby. He saw someone, described as a "tall, thinly built, black male," run to a vehicle and get in, and then saw the vehicle pull alongside him in traffic.

¶ 13 At the motions hearing, Martinez admitted that he was unable to locate the recording of his interview with B.C., and thus he could not produce it to the defense. After applying the *Greathouse* factors, the trial court found that the prosecution's failure to produce this recording did not warrant any sanctions.

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[1] A claim that the evidence was only "potentially useful" does not establish that the evidence had "apparent exculpatory value" when it was destroyed. *People v. Young*, 2014 COA 169, ¶ 69 (citation omitted).

¶ 14 Although Tademy contends that the prosecution should have been sanctioned for losing the recording of B.C.'s interview, he does not assert either that the evidence in that recorded interview possessed exculpatory value that was apparent before it was destroyed, or that he was unable to obtain comparable evidence by other reasonably available means. *Greathouse*, 742 P.2d at 337-38. In fact, despite alluding to B.C.'s statement early in his briefs, he does not provide any argument as to how the recording would have been exculpatory, or why he could not obtain a similar recording himself. In the absence of any substantive argument regarding B.C.'s interview, we do not have enough before us to even consider this issue on the merits, let alone conclude that the trial court abused its discretion in not applying sanctions. *See, e.g., People v. Relaford*, 2016 COA 99, ¶ 70 n.2 ("We do not consider bare or conclusory assertions presented without argument or development.").

C. K.S.'s Recorded Interview

¶ 15 The recording of Detective Martinez's interview with K.S. is a different story. According to Martinez's written synopsis of K.S.'s interview, K.S. said he was at the scene of the murder before (but

not when) it happened, and also claimed that he heard who committed the crime, a person known as "B.K." He asserted that the murder was connected to the dice game. At the time of the interview, Martinez questioned K.S.'s credibility because, among other things, K.S. claimed that he knew the victim, but could not identify him from a photograph.

¶ 16 The trial court did not explicitly state in its written order that the prosecution had violated Tademy's due process rights by failing to preserve and produce the recording of K.S.'s interview. It did, however, find that Tademy had established each of the *Greathouse* factors. We agree with this conclusion, although our reasoning differs somewhat from that of the trial court. *See People v. Gonzales-Quevedo*, 203 P.3d 609, 612 (Colo. App. 2008) (trial court's decision may be upheld on any ground supported by the record).

¶ 17 In its written order, the trial court listed the *Greathouse* factors as "(1) suppression or destruction of the evidence by the prosecution; (2) the favorable character of the evidence for the defense; and (3) the materiality of the evidence." The court went on to find that, with respect to the third factor, K.S.'s interview was

"material" because it related to identity, which was a material issue for the trial.

¶ 18 To satisfy the third *Greathouse* factor, the evidence lost or destroyed must be "constitutionally material." Constitutional materiality requires that the court determine whether the evidence had apparent exculpatory value, and also whether it is "of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means." 742 P.2d at 338 (quoting *California v. Trombetta*, 467 U.S. 479, 489 (1984)). The trial court's order does not address whether it believed Tademy could have obtained evidence comparable to K.S.'s recorded interview through other reasonable means.

¶ 19 The defense did not gather any further evidence from K.S. after it learned of his interview with Martinez. In the motion for sanctions, defense counsel argued that this was because "memories do not improve over time," and because "all witnesses in this case have been uncooperative with police." Notably, the motion did not argue that K.S.'s whereabouts were unknown, that K.S. had refused

to be interviewed, or that K.S. could not be subpoenaed to testify.[2] We will not speculate as to why Tademy did not obtain a statement from K.S., or why K.S. was not called as a witness, because even if he could not have obtained similar evidence through other reasonable means — thus satisfying the "constitutionally material" requirement of the third *Greathouse* factor — the trial court issued an appropriate sanction that quelled any due process concerns.

1. Applicable Law

¶ 20 The trial court has broad discretion in fashioning an appropriate remedy to protect a defendant's rights where a due process violation has denied him access to evidence. *People ex rel. Gallagher v. Dist. Court*, 656 P.2d 1287, 1293 (Colo. 1983). In selecting the remedy, "the court must weigh the significance of the evidence lost or destroyed and the conduct of the prosecution which led to its loss or destruction." *People v. Poole*, 192 Colo. 56, 60, 555 P.2d 980, 983 (1976). We will reverse the trial court only if the omitted evidence, when evaluated in the context of the entire

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[2] Without citation to the record or any further explanation, the opening brief states that K.S. was unavailable to testify at trial.

record, creates a reasonable doubt that did not otherwise exist. *People v. Buckner*, 228 P.3d 245, 251 (Colo. App. 2009).

2. Sanction

¶ 21 The trial court saw fit to sanction the prosecution by granting Tademy a continuance to investigate the issue further, and by "allow[ing] the defense to elicit the hearsay statements of [K.S.] if he is unavailable to testify, or to impeach him if [he] does testify inconsistently with those statements." Additionally, the trial court decided that if such testimony were elicited at trial, it would instruct the jury on the police department's obligation to preserve evidence, and its failure to do so here.

¶ 22 As stated above, in determining whether the sanction was an abuse of the trial court's discretion, we must consider the significance of the evidence lost and the conduct of the prosecution which led to losing the evidence. The trial court found that, "although vague and incredible," K.S.'s interview did "represent the possibility of another suspect, which would be exculpatory to Mr. Tademy." Therefore, sanctions were in order. However, the trial court did not believe that the conduct of the prosecution rose to the level of bad faith, and thus dismissal was not warranted.

¶ 23 On appeal, Tademy argues that the proper sanction for the destruction of this recording was dismissal of his case, because the conduct of the police "which led to the loss or destruction of the evidence suggests bad faith." The People respond that, because there was no finding of bad faith by the trial court, a continuance of trial for the defendant to investigate any leads which may have come from these revelations was appropriate. We agree. Martinez admitted fault in losing the recordings and failing to produce the "master witness list" on time,[3] and Tademy has not provided any specifics to buttress his allegation of bad faith. Additionally, although the interview did hold exculpatory value, the trial court's remedy was suitable. The continuance allowed the defense time to investigate further, and Martinez's testimony (including the opportunity for cross-examination) was a sufficient substitute for the videotaped interview.

¶ 24 Indeed, during his cross-examination, Detective Martinez detailed the relevant parts of his conversation with K.S. Defense

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[3] Tademy and the trial court both also noted that the prosecution had failed to produce a "master witness list containing exculpatory evidence of possible alternate suspects."

counsel elicited K.S.'s statement that he had been playing dice with the victim and one other individual — "B.K.," whom K.S. believed to be the shooter — on the day of the murder, and that K.S. believed the dice game was the motive behind the shooting. Detective Martinez's recounting of his conversation with K.S. was brief, but it included statements in which K.S. implicated other individuals in the murder.

¶ 25 Additionally, the trial court issued the following instruction to the jury immediately after the testimony:

> You just heard testimony from Detective Martinez that the Denver Police Department has destroyed evidence in this case by failing to preserve the videotape statement of [K.S.]. If this evidence was within the control of the state but was not produced and the absence was not sufficiently accounted for or explained, then you may decide that the evidence would have been favorable to Mr. Tademy.

Given that the trial court found no bad faith on the part of the prosecution in losing this recorded interview, this sanction was entirely appropriate. It is not at all clear that the video recording of K.S.'s statement would have proved better for Tademy than Martinez's testimony, especially when that testimony is considered in conjunction with the instruction and the fact that Tademy's

counsel could not get information from K.S. otherwise. Thus, when compared to the instruction and Detective Martinez's testimony, the recording of K.S.'s interview does not create a reasonable doubt in the case where previously there was none. We find no abuse of discretion in the trial court's sanction. *People v. Oram*, 217 P.3d 883, 894 (Colo. App. 2009) (we presume that the jurors understood and followed the court's instructions), *aff'd*, 255 P.3d 1032 (Colo. 2011), *as modified on denial of reh'g* (Aug. 1, 2011).

III. Accomplice Jury Instructions

¶ 26 Next, Tademy argues that because I.M. was the only witness who named him as the perpetrator, the trial court should have instructed the jury on the potential pitfalls of uncorroborated accomplice testimony. We are not persuaded.

¶ 27 I.M. testified at length and in detail about the night of the murder. Because she transported Tademy to the motel and acted as his getaway driver, she was a textbook accomplice. Thus, at the jury instruction conference, defense counsel asked the court to include an instruction that tracked the language of Colorado Model Criminal Jury Instruction D:05, which, among other things, directs jurors considering uncorroborated accomplice testimony to "act

upon it with great caution. Give it careful examination in the light of other evidence in the case." COLJI-Crim. D:05 (2019). The trial court declined to give the instruction, explaining that it believed there was other evidence at trial that corroborated at least some of I.M.'s testimony.

¶ 28 Tademy argues that this was error because, while there was other evidence at trial suggesting that E.H. was murdered, there was no evidence other than I.M.'s testimony identifying him specifically as the perpetrator. *See People v. Montoya*, 942 P.2d 1287, 1293 (Colo. App. 1996) (holding that evidence to corroborate an accomplice's testimony "should identify the defendant and show his connection with the offense, rather than merely tending to prove that an offense has been committed"). The People respond that in fact there were myriad other pieces of evidence linking Tademy to the murder, and for that reason no instruction on uncorroborated accomplice testimony was necessary.

A. Standard of Review

¶ 29 We review jury instructions de novo to determine whether they accurately inform the jury of the governing law. *People v. Carter*, 2015 COA 24M-2, ¶ 39. We review the trial court's decision to give

a particular jury instruction for abuse of discretion. *Oram*, 217 P.3d at 893. A trial court abuses its discretion only when its ruling is manifestly arbitrary, unreasonable, or unfair. *Kinney v. People*, 187 P.3d 548, 558 (Colo. 2008).

¶ 30 An instruction that directs the jury to use caution when considering accomplice testimony "is to be given only when the prosecution's case is based on uncorroborated testimony of an accomplice." *People v. Petschow*, 119 P.3d 495, 504 (Colo. App. 2004) (quoting *Montoya*, 942 P.2d at 1293). Evidence to corroborate an accomplice may be direct or circumstantial. *Montoya*, 942 P.2d at 1293. Accomplice testimony, however, need not be corroborated in every part; corroboration of one element of the testimony is sufficient. *People v. Martinez*, 187 Colo. 413, 531 P.2d 964 (1975). Furthermore, a confession or admission of the accused is admissible to corroborate the testimony of an accomplice. *Montoya*, 942 P.2d at 1293.

B. Analysis

¶ 31 The People point to several pieces of testimony as corroborating I.M.'s story, such as physical descriptions of the shooter by other witnesses and as seen on surveillance cameras,

testimony by witness L.W., and recordings of the defendant's jail calls to I.M. and another female. While the corroborative value of defendant's jail calls was arguable, we conclude the surveillance video — as well as the testimony of B.C. and L.W. — did corroborate I.M.'s testimony. Among other things:

- I.M. testified that Tademy was wearing a dark, hooded sweatshirt and sweatpants on the night in question.
    - Surveillance video presented to the jury at trial showed the shooter was wearing a dark, hooded sweatshirt and sweatpants.
    - B.C. testified that, after he heard gunshots while driving nearby, he saw a "tall . . . lanky" man "wearing a hoodie" run east on Colfax Avenue.
- B.C. further testified that he saw that same man get into the passenger's side of a "gray Chevy," while another witness, L.W., testified that, before going to meet Tademy at the motel, I.M. had picked her up in a "silver-gray car."
- I.M. testified that, after the shooting, she drove Tademy to his storage locker so he could stow his .45-caliber pistol. While no gun was ever recovered, police retrieved several

spent .45-caliber cartridge casings from the scene of the murder.

- L.W. also stated that when I.M. called her that night, she told L.W. that she needed a babysitter because Tademy had "seen either the dude that shot him or put a hit out on him[.]" I.M. explained in her testimony that the reason Tademy called her that night was because he had seen E.H., and a member of E.H.'s gang had shot Tademy.
- And, as discussed above, a confession of the accused can serve to corroborate accomplice testimony. L.W. testified that on the night in question she slept at I.M. and Tademy's home, and the following morning she overheard Tademy on the phone with someone. Tademy told the individual over the phone that he had "murked this dude" the night before, which L.W. understood as code for "[m]urder, killing someone[.]"

¶ 32 In short, several other pieces of evidence corroborated I.M.'s testimony. Therefore, the trial court did not err by declining to instruct the jury on uncorroborated accomplice testimony.

IV. Use of Exhibits During Deliberations

¶ 33 Tademy contends that the trial court erred by giving the jury unsupervised access to audiotapes of jail phone calls during deliberations. We disagree.

A. Recordings Reviewed by Jury

¶ 34 The jury began to deliberate on the fifth day of trial. After only half an hour, the jury sent a question to the court, asking for a "computer to review exhibits on compact discs [(CD)]." Several exhibits had been admitted on CDs at trial: surveillance footage from outside the motel on the night in question, Tademy's interview with police, and the recordings of Tademy's jail phone calls. The court and the parties had an extended colloquy about the most appropriate way to handle the jury's question. Ultimately, the court decided to give the jury a computer to review the CD exhibits, but only for one hour. It also instructed the jury as follows:

> You may review the recorded exhibits; however, you many not give undue weight or influence to these or any other particular exhibit. You must consider all the evidence or lack of evidence as a whole.

B. Standard of Review

¶ 35 The use of exhibits by juries during deliberations is within the discretion of the trial court. *Debella v. People*, 233 P.3d 664, 667 (Colo. 2010). The trial court in criminal proceedings has an obligation, much as it does with regard to the admissibility of evidence generally, to ensure that juries are not permitted to use exhibits in a manner that is unfairly prejudicial to a party. *Frasco v. People*, 165 P.3d 701, 704 (Colo. 2007). "This obligation is particularly pronounced with respect to jury access during deliberations to portions of trial testimony . . . and to exhibits substituting for trial testimony." *People v. Smalley*, 2015 COA 140, ¶ 61 (citation omitted). A court abuses its discretion if its decision is manifestly arbitrary, unreasonable, or unfair, or is based on an erroneous understanding or application of the law. *Id.* at ¶ 59. A court's failure to exercise its discretion also constitutes an abuse of discretion. *DeBella*, 233 P.3d at 667.

C. Analysis

¶ 36 Appellate courts in this state use a two-part inquiry to determine whether a trial court abused its discretion in allowing or not allowing jury access to exhibits during deliberations. A trial

court's ultimate objective must be to assess whether the particular exhibit will aid the jury in its proper consideration of the case, and, even if so, whether a party will nevertheless be unfairly prejudiced by the jury's use of it. *Id.* at 668; *Frasco*, 165 P.3d at 704-05.

¶ 37 Perhaps most relevant to the case at hand is the division's opinion in *Smalley*, 2015 COA 140. There, as here, shortly after beginning deliberations, the jury sent a note to the court stating that it would like to "play back all 3 CDs of phone conversations."[4] *Id.* at ¶ 52. The trial court sought input from the parties, and decided to give the jury access to the CDs, along with a written, limiting instruction. *Id.* at ¶ 58. Notably, the court in *Smalley* did not place any time restrictions on the jury's access to the recordings. In concluding that the trial court properly exercised its discretion, the division highlighted the procedure the trial court followed:

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[4] The parties have differing opinions as to whether the jail phone calls at issue here are "testimonial" or "nontestimonial" evidence. Generally, during deliberations, the jury should have access to any nontestimonial exhibits admitted at trial, but courts must take precautions when deliberating juries request access to exhibits that are testimonial in nature, or "substitut[e] for trial testimony." *See supra* Part IV.B.

> The court did not automatically provide the jury with access to the recordings, but waited until the jury requested them. After the jury's request, the court sought input from counsel. Relying on *DeBella*, the court then assessed (1) whether the exhibits would aid the jury and (2) whether a party would nevertheless be unfairly prejudiced. First, the court made a specific finding that the recordings would aid the jury in its proper consideration of the case. Second, the court asked defense counsel to articulate what prejudice might result from providing access to those exhibits. Defense counsel's only stated concerns were that the jury would focus on one piece of evidence to the exclusion of other pieces of evidence and listen to portions of the tape repeatedly. The court addressed these concerns by crafting language for a limiting instruction, which defense counsel approved.

Id. at ¶ 65 (citations omitted).

¶ 38 The analysis of the trial court and the arguments of counsel were nearly identical here. As in *DeBella* and *Smalley*, the trial court did not give the jury access to the CD evidence at the beginning of deliberations, but instead waited until the jury requested it. The trial court then accepted input from the parties and applied the test from *DeBella*.

¶ 39 As to the first prong, the court found that "some of [the] jail calls [were] difficult to hear and understand" and further that both

sides presented argument to the jury about what they believed was said on the calls. The trial court concluded that having access to this evidence would aid the jury in its deliberations, and we agree. What was said on the calls was ultimately a question of fact for the jury, and given that there was disagreement on this point, access to the recording would have helped the jury resolve that dispute.

¶ 40 For prong two, the court sought "to minimize prejudice" by only giving the computer to the jury for an hour, reasoning that this would prevent the jury from "going over and over and over the . . . tapes" and it would give them time to consider the other evidence. The court also crafted a limiting instruction after discussion with the parties. *See supra* Part IV.A.

¶ 41 These safeguards were sufficient to prevent the jury from placing undue weight on the CD evidence in its deliberations. Accordingly, the court's ruling was an appropriate exercise of its discretion.

V. Conclusion

¶ 42 We affirm the judgment.

JUDGE FURMAN and JUDGE BERGER concur.

Court of Appeals

STATE OF COLORADO
2 East 14th Avenue
Denver, CO 80203
(720) 625-5150

PAULINE BROCK
CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Steven L. Bernard
Chief Judge

DATED: March 5, 2020

Notice to self-represented parties: *The Colorado Bar Association provides free volunteer attorneys in a small number of appellate cases. If you are representing yourself and meet the CBA low income qualifications, you may apply to the CBA to see if your case may be chosen for a free lawyer. Self-represented parties who are interested should visit the Appellate Pro Bono Program page at* https://www.cobar.org/For-Members/Committees/Appellate-Pro-Bono

APPENDIX 2

Denial of Certiorari by the

Colorado Supreme Court

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: November 2, 2020 CASE NUMBER: 2020SC676
Certiorari to the Court of Appeals, 2018CA65 District Court, City and County of Denver, 2016CR3685	
Petitioner: Brandon Lamar Tademy, **v.** **Respondent:** The People of the State of Colorado.	Supreme Court Case No: 2020SC676
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, NOVEMBER 2, 2020.
CHIEF JUSTICE COATS does not participate.

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: November 6, 2020 CASE NUMBER: 2018CA65
Denver District Court 2016CR3685	
Plaintiff-Appellee: The People of the State of Colorado, **v.** **Defendant-Appellant:** Brandon L Tademy.	Court of Appeals Case Number: ~~2018CA65~~
MANDATE	

This proceeding was presented to this Court on the record on appeal. In accordance with its announced opinion, the Court of Appeals hereby ORDERS:

JUDGMENT AFFIRMED

POLLY BROCK
CLERK OF THE COURT OF APPEALS

DATE: NOVEMBER 6, 2020