No. 24-

IN THE

Supreme Court of the United States

ADAM COLE SHRYOCK,

Petitioner,

v.

STATE OF COLORADO, *ex rel.*
PHILIP J. WEISER, ATTORNEY GENERAL,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COLORADO SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I. Whether the permanent injunction issued against Petitioner violated his First Amendment rights by constituting an unconstitutional prior restraint on speech.

II. Whether the Colorado courts erred in failing to apply a statute of limitations to punitive contempt proceedings, contrary to due process and fundamental fairness.

III. Whether ineffective assistance of counsel, including failure to advise Petitioner of potential sentencing consequences and failure to present key evidence, rendered the contempt conviction invalid.

PARTIES TO THE PROCEEDINGS

The parties to the proceedings before this court are as follows:

Adam Cole Shryock, Petitioner

State of Colorado, ex rel. Philip J. Weiser, Attorney General, Respondent

LIST OF PROCEEDINGS

District Court, Denver, Colorado

Case No. 2013CV32857

STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL

v.

BOOBIES ROCK!, INC, a/k/a THE SE7VEN GROUP, a California corporation, SAY NO 2 CANCER, and ADAM COLE SHRYOCK, individually

1. 2014 Order and Injunction – District Court of Denver, Colorado issued an order imposing restrictions on Petitioner's activities.

2. March 2015 Order—District Court of Denver, Colorado issued an order making the injunction permanent.

3. 2018 Order – District Court of Denver, Colorado found Petitioner guilty of contempt for allegedly violating the permanent injunction.

4. November 2022 Order—District Court of Denver, Colorado sentenced Petitioner to two years in jail for contempt.

Colorado Court of Appeals

Case No. #2022CA2254

STATE OF COLORADO, EX REL. PHILIP J. WEISER, ATTORNEY GENERAL

v.

ADAM COLE SHRYOCK

Order affirming judgment on March 7, 2024.

Colorado Supreme Court

Case No. 2024SC355

ADAM COLE SHRYOCK

v.

STATE OF COLORADO, EX REL. PHILIP J. WEISER, ATTORNEY GENERAL

Filed October 14, 2024.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Adam Cole Shryock, respectfully requests that a Writ of Certiorari be issued to review the decisions from the lower courts.

OPINIONS BELOW

The order of the Colorado Court of Appeals, affirming Petitioner's contempt conviction and sentence, was issued on March 7, 2024, and is unpublished but included in the appendix.

The District Court for the City and County of Denver, Colorado, issued the following relevant orders:

1. January 22, 2014 order and injunction imposing restrictions on Petitioner's activities.

2. A March 2015 order making the injunction permanent.

3. An April 2018 order finding Petitioner guilty of contempt for allegedly violating the permanent injunction.

4. A November 2022 order sentencing Petitioner to two years in jail for contempt.

All relevant opinions and orders are included in the appendix.

BASIS FOR JURISDICTION IN THIS CASE

This Court has jurisdiction under 28 U.S.C. § 1257. The Colorado Court of Appeals issued its opinion on March 7, 2024, and the Colorado Supreme Court denied further review on October 20, 2024.

CONSTITUTIONAL PROVISIONS INVOLVED

The following provisions of the United States Constitution are involved in this case:

1. U.S. Const. amend. I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

2. U.S. Const. amend. VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

3. U.S. Const. amend. XIV, § 1: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATUTORY PROVISIONS INVOLVED

The following statutory provisions are relevant to this case:

> Colorado Revised Statutes § 16-5-401—Limitation for Commencement of Criminal Proceedings
>
> C.R.S. § 16-5-401(1)(a) (General Limitations Period for Misdemeanors and Felonies): "Except as otherwise provided by statute, no person shall be prosecuted, tried, or punished for any offense unless the indictment, information, complaint, or summons and complaint is filed in a court of competent jurisdiction within the following periods after the commission of the offense: (a) For a felony, three years; (b) For a misdemeanor, eighteen months; (c) For a petty offense, six months."

RULES INVOLVED

The following rules are relevant to this case:

Colorado Rules of Civil Procedure Rule 107

C.R.C.P. 107(a)(4):

C.R.C.P. 107(d)(1):

https://casetext.com/rule/colorado-court-rules/colorado-rules-of-civil-procedure/chapter-15-remedial-writs-and-contempt/rule-107-remedial-and-punitive-sanctions-for-contempt

STATEMENT OF THE CASE

Petitioner, Adam Cole Shryock, was subject to a permanent injunction issued in 2015, prohibiting him from engaging in various activities related to charitable solicitations. Ct. of Appeals Op. at 2. The injunctions stemmed from allegations of deceptive trade practices involving his companies, Boobies Rock! ("BR") and Say No 2 Cancer ("SN2C"). *Id.* In 2018, the State filed a contempt citation alleging violations of the injunction based on activities that took place from 2015–2016. *Id.* at 4–6.

Petitioner was convicted of contempt in 2019, with a jury finding he had violated the injunction in 10 of 12 respects. He was sentenced to two years in jail, consecutive to a federal sentence. The petitioner appealed, arguing constitutional violations, ineffective assistance of counsel, and the improper denial of a statute of limitations defense. The Colorado Court of Appeals affirmed the conviction, and the Colorado Supreme Court denied review.

REASONS TO GRANT THIS PETITION

This case presents significant constitutional questions regarding prior restraints on speech, the application of statutes of limitations to contempt proceedings, and the fundamental right to effective counsel. The Court should grant the petition for a writ of certiorari to ensure that these critical legal issues are clarified.

This case raises significant constitutional questions about the limits of judicial authority, the protections afforded by the First Amendment, and the procedural safeguards required under the Due Process Clause and Sixth Amendment. The Colorado Court of Appeals' decision departs from well-established federal precedent, including this Court's holdings in *Strickland v. Washington*, 466 U.S. 668 (1984) and *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976). Moreover, the lack of a statute of limitations or any temporal limitation on contempt proceedings creates the risk of unchecked judicial power, a concern that transcends this case and impacts individuals across the nation.

I. The State Failed to Bring the Contempt Action Within the Statute of Limitations.

The State violated due process and fundamental fairness when it failed to bring the contempt action within the statute of limitations. This case is of utmost importance because Colorado does not have a specific statute of limitations for contempt proceedings, but if left unchecked, the State will continue to bring stale charges years after the alleged behavior. Furthermore, just because there is not yet a specific statute of limitations

for contempt, that does not mean that there is simply no timeframe that applies. In order to determine which statute of limitations ought to be applied, the court needs to determine whether the contempt is considered remedial (civil) or punitive (criminal) in nature.

Contempt proceedings in Colorado are governed by C.R.C.P. 107. In Colorado there are two types of contempt, direct and indirect, and two types of sanctions, remedial and punitive. *See In re Estate of Elliott*, 993 P.2d 474, 478 (Colo. 2000); *see also* C.R.C.P. 107(a)(2)-(5). Punitive sanctions are criminal in nature because their intent is to punish. *See* C.R.C.P. 107(a)(4) (defining "Punitive Sanctions for Contempt" as "[p]unishment by unconditional fine, fixed sentence of imprisonment, or both, for conduct that is found to be offensive to the authority and dignity of the court"). Meanwhile, remedial sanctions are civil in nature as their intent is to force compliance or compel performance." C.R.C.P. 107(a)(5).

It is established in Colorado that the authority to punish contempt is an exercise of a court's inherent powers to enforce obedience to its orders. *See Austin v. City & County of Denver*, 156 Colo. 180, 397 P.2d 743 (1964). The entire point of punitive actions is that they are intended to punish past conduct, rather than to compel future compliance. Thus, this means that they function similarly to a criminal prosecution and should be subject to due process protections. Indeed, per C.R.C.P. 107(d)(1), punitive contempt can result in a fixed jail sentence or fine, meaning it carries punitive consequences akin to a misdemeanor or felony. In this case, especially, Petitioner was sentenced to serve time in jail;, which underscores the importance of having due process protections in place in

such proceedings. However, the Colorado courts refused to apply any statute of limitations, and instead treated contempt as an undefined judicial sanction that is somehow beyond all statutory limits.

If the case at hand is, in fact, a punitive contempt action then the appropriate statue of limitations must be defined. Since punitive contempt results in criminal-like penalties, it presumably, would be subject to the 18-month (misdemeanor) or 3 year (felony) statute of limitations under C.R.S. § 16-5-401. In the case at hand, the contempt allegations arose in 2015 and the State did not initiate contempt proceedings until 2018, and thus, the prosecution should have been time-barred under either the 18-month or 3-year limitations period. However, the courts have not definitively ruled on this and thus, Petitioner was not subject to any statue of limitations. This ambiguity strengthens the argument for certiorari, as this Court could resolve this constitutional due process issue and establish that punitive contempt must be subject to a reasonable time limitation.

Indeed, this Court has made clear that criminal contempt proceedings must be treated as criminal prosecutions for due process purposes. "Criminal contempt is a crime in the ordinary sense; it is a violation of the law, a public wrong which is punishable by fine or imprisonment or both." *Bloom v. Illinois*, 391 U.S. 194, 201 (1968); *see also Codispoti v. Pennsylvania*, 418 U.S. 506, 514 (1974)). Thus, the Sixth Amendment applies in contempt proceedings when imprisonment is at stake, as it was in this case. Further, the Due Process Clause forbids indefinite exposure to criminal penalties, without a clear time limitation. By failing to impose a statutory limit to

the punitive contempt, the Colorado courts have effectively authorized an indefinite, open-ended prosecution, thus violating Petitioner's due process rights.

Further, the State's delay in bringing the contempt action, prejudiced Petitioner's defense. The lengthy and unexplained delay in bringing the action substantially prejudiced Petitioner to the extent that it violated his right to a fair trial. Since the State waited nearly three years after allegedly discovering Petitioner's conduct before bringing the contempt charges, Petitioner's ability to present a defense was significantly impacted and deprived him of the ability to properly challenge the allegations. Further, the Fourteenth Amendment prohibits the government from engaging in tactics that deprive individuals of a meaningful opportunity to defend themselves. Here, however, the delay deprived Petitioner of his due process rights and the right of a fair hearing.

Therefore, the failure to apply a statute of limitations in Petitioner's contempt proceeding violates the Due Process Clause of the Fourteenth Amendment, contradicts this Court's precedent on fairness in criminal proceedings, and creates a dangerous precedent allowing indefinite prosecution for alleged violations of court orders. This Court should grant the writ of certiorari to resolve this issue and ensure that contempt proceedings remain fair, timely, and constitutionally sound.

II. Petitioner was denied effective assistance of counsel in violation of the Sixth and Fourteenth Amendments.

The Sixth Amendment of the U.S. Constitution and art. II, § 16 of the Colorado Constitution guarantees the right to receive effective counsel. *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Carmichael v. People*, 206 P.3d 800, 806 (Colo. 2009). This right extends to all criminal proceedings, including punitive contempt actions where incarceration can be imposed. *Bloom* at 199–202. The Fourteenth Amendment's Due Process Clause further ensures that defendants in criminal or quasi-criminal proceedings receive fair treatment under the law.

Petitioner's contempt proceeding was punitive, not remedial, as evidenced by the two-year jail sentence imposed. Under *Codispoti v. Pennsylvania*, 418 U.S. 506 (1974), such contempt proceedings are subject to the same constitutional protections as formal criminal prosecutions, including the right to effective counsel under the Sixth Amendment.

Petitioner's trial counsel failed to meet even the most basic standards of competence, depriving him of a fair trial and undermining the integrity of the proceedings. The deficiencies in representation satisfy the two-prong test for ineffective assistance established in *Strickland*: (1) counsel's actions resulted in deficient performance, as their actions fell below an objective standard of reasonableness; and (2) Petitioner was prejudiced by counsel's actions as there is a reasonable probability that but for counsel's errors, the outcome of the trial would have been different. *Id.*

In accordance with *Strickland*, the first question we must ask is whether counsel's performance fell below the standard of reasonably competent assistance. The court's refusal to grant funds for an additional investigator and to approve a change of counsel significantly impaired Petitioner's ability to mount a robust defense. As evidenced in the Court's Minute Order dated February 28, 2019, Petitioner demonstrated a readiness to personally bear the cost of new legal representation, who committed to preparing for trial without requesting an extension. This act illustrates the severity of Petitioner's dissatisfaction with current counsel and the lengths he was willing to go to remedy it.

The second prong of the *Strickland* test asks whether Petitioner was prejudiced as a result of counsel's incompetence. The inability to add an investigator or change counsel clearly compromised Petitioner's defense, thereby satisfying this condition.

Further evidence of counsel's incompetence arises from their failure to properly review and utilize crucial evidence. Counsel wholly failed to introduce exculpatory evidence that would have demonstrated Petitioner's endeavors to comply with the injunction. Despite access to vital audio and video evidence depicting Petitioner's efforts to comply with the injunction, counsel neglected to familiarize themselves with this information or incorporate it into the defense strategy. The material, inclusive of employee interviews, sales training sessions, and customer interactions, was unreasonably left unutilized.

Even though audio and video evidence existed showing that Petitioner took significant steps to ensure

compliance with the injunction, counsel failed to review and introduce these materials at trial, depriving the jury of the critical context regarding Petitioner's intent and actions. This Court has recognized that an attorney's failure to investigate and present available evidence constitutes ineffective assistance. *Wiggins v. Smith*, 539 U.S. 510, 534 (2003); *Rompilla v. Beard*, 545 U.S. 374, 389 (2005). Here, counsel's failure to present crucial evidence allowed the jury to convict Petitioner without considering his actual efforts to comply with the law. The exclusion of this evidence prejudiced Petitioner, as the jury was left with the State's unchallenged narrative that he willfully violated the injunction.

Further, one of the most egregious failures of trial counsel was the failure to inform Petitioner of the sentencing consequences of a jury trial. This Court holds that failure to properly advise defendants of sentencing exposure constitutes ineffective assistance of counsel. *Lafler v.* Cooper, 566 U.S. 156, 163 (2012). Here, trial counsel failed to inform Petitioner that he would face more than six months of jail time if he proceeded to trial. This failure rises to incompetence as even a cursory attempt at legal research would have shown that C.R.C.P. 107(d)(1) states that "[t]he maximum jail sentence shall not exceed six months unless the person has been advised of the right to a jury trial." Had Petitioner understood the actual sentencing risk, he would have considered different legal strategies, including a plea agreement, seeking dismissal, or negotiating alternative sanctions. Counsel's failure fulfills both prongs of the *Strickland* test as it demonstrates that counsel failed to even remotely inform his client of the consequences of jury trial and it is clear that if trial counsel had informed Petitioner of the

sentencing consequences, that Petitioner would not have taken the case to trial.

Counsel also failed to raise a statute of limitations defense. As argued separately in this petition, the contempt charge was time-barred under the statute of limitations and counsel egregiously failed to raise this defense at trial. Punitive contempt has the trappings of a criminal charge and should be subject to Colorado's criminal statutes of limitations, per C.R.S. § 16-5-401. As previously discussed, the State waited nearly three years after the alleged violations before bringing a contempt action. Given these facts, a competent attorney would have filed a motion to dismiss based on the statue of limitations, which could have resulted in an outright dismissal of the charges. The omission of this potentially decisive defense further underscores counsel's incompetence and the resulting prejudice to Petitioner. Any reasonable attorney would have recognized the statute of limitations issue and raised it as a defense. If the defense had been properly raised, the trial court could have dismissed the action entirely, avoiding conviction and sentencing.

Therefore, Petitioner was denied his constitutional right to the effective assistance of counsel as his attorney failed to inform of him of his sentencing consequences, failed to present key exculpatory evidence, and failed to raise the statute of limitations as a defense. As such, this Court should grant the writ of certiorari and remand for further proceedings consistent with constitutional protections.

III. The Permanent Injunction Violates the First Amendment as an Unconstitutional Prior Restraint on Speech.

The First Amendment to the United States Constitution prohibits laws or orders that unduly restrict freedom of speech, particularly through prior restraints. A prior restraint is any judicial or administrative order forbidding certain communications before they occur, and such restraints bear a "heavy presumption against their constitutional validity." (*Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 558 (1976) (citation omitted).

The First Amendment provides robust protection for commercial speech that is truthful and not misleading. When restricting lawful speech, the four parts of the Central Hudson test must be satisfied: (1) the speech concerns lawful activity; (2) the government has a substantial government interest in restricting the speech; (3) the regulation directly advances the government's interest; and (4) the regulation must be narrowly tailored to achieve the government's interest. *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 557 (1980).

As per the injunction, Petitioner is excluded from engaging in commercial actions and speech, which otherwise would be lawful, such as advertising for a charitable organization. Findings of Fact, Conclusions of Law, and Order at 34. The reason given for the injunction is that it is meant to prevent Petitioner from deceptive trade practices. *Id.* Preventing deceptive trade practices is a substantial government interest and this injunction was put into place to directly advance that interest.

However, the injunction fails as it was not narrowly tailored to achieve the government's interest. In fact, the permanent injunction issued against Petitioner is a textbook example of an overbroad prior restraint. It prohibits Petitioner from "[b]enefiting financially, either directly or indirectly, from any relationship with any charitable organization," and further bars him from engaging in "managerial or oversight activities" relating to "any charitable organization" or "charitable solicitation." Findings of Fact, Conclusions of Law, and Order at 34. The language of the injunction is expansive and vague, effectively forbidding Petitioner from engaging in any lawful commercial or entrepreneurial activities that might be tangentially related to charity, regardless of whether such activities are truthful, lawful, or protected speech.

By its terms, the injunction suppresses not only fraudulent or misleading charitable solicitations, conduct that could be legitimately regulated under the First Amendment, but also lawful, truthful communications. For example, if Petitioner were to engage in public advocacy or commercial activities involving charitable organizations, such as consulting or marketing campaigns, he would risk being found in contempt. The overbroad nature of the injunction imposes a significant and unjustifiable chilling effect on Petitioner's ability to express himself and participate in lawful commercial activities. This is precisely why there are safeguards against overbroad injunctions, because as in this case, while preventing fraud is a compelling government interest, the injunction was most certainly not narrowly tailored and thus, it sweeps far beyond fraudulent conduct to prohibit lawful speech and activities. Instead, the injunction imposes

a blanket prohibition on all of Petitioner's activities involving charitable organizations, regardless of whether the activities are lawful or deceptive. This expansive restriction is disproportionate to the government's interest and unnecessarily stifles lawful speech and entrepreneurial activity.

Indeed, less restrictive alternatives, such as targeted regulations and disclosures, could achieve this government interest without burdening Petitioner's protected speech. For instance, the injunction could just prohibit fraudulent or misleading charitable solicitations and nothing further, rather than barring all interactions with charitable organizations, no matter how tenuous. The injunction could also require disclosures or other measures to ensure transparency, rather than banning entire categories of speech or activity. The failure of the court to adopt these less restrictive alternatives underscores the unconstitutional nature of the injunction.

Further, injunctions that restrict speech must comply with the specificity requirements of F.R.C.P. 65(d) and its state equivalents, which mandate that injunctions "describe in reasonable detail" the acts prohibited. *Id.*

The injunction against Petitioner fails to meet this standard. It does not define key terms such as "relationship," "managerial activities," or "financial benefit," leaving Petitioner to guess at what activities might violate its terms. Such vagueness creates an impermissible risk that lawful and constitutionally protected activities could be deemed violations, leading to arbitrary enforcement. As a result, Petitioner is deterred not only from fraudulent conduct but also from legitimate

entrepreneurial and charitable endeavors, a result that cannot be reconciled with the First Amendment.

As a result of lack specificity, this overbroad injunction allowed the State to misrepresent Petitioner's actions as unlawful by drawing a misleading equivalence between fundraising for commercial purposes and fundraising with charitable intent. This reasoning does not acknowledge the fundamental differences in purpose, beneficiaries, and regulations between the two types of fundraising. Similarly, the State labeled Petitioner's purchases as "donations," which was misguided. The promotional employees participating in the competition were explicitly informed that donations were never to be accepted. And yet, due to the overbroad nature of the injunction, all activities were lumped together, regardless of intent and purpose.

A regrettable result of this unconstitutional injunction is that it has a chilling effect on speech, beyond that of the immediate case at hand. The First Amendment protections extend to speech that affects the broader public interest. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279 (1964)). The injunction at hand does not merely limit Petitioner's actions unjustly, it also sets a dangerous precedent for overboard restrictions on speech in similar cases. By upholding the unlawful injunction, the Colorado courts have signaled that vague and sweeping restrictions on entrepreneurial and commercial speech are permissible, inviting similar injunctions in other cases. This Court has continually recognized the importance of protecting against the chilling effects that deter lawful and protected speech and it must act in accordance with its own principles. *Id.*; *United States v. Alvarez*, 567 U.S. 709 (2012); *Counterman v. Colorado*, 600 U.S. 66 (2023).

This chilling effect is particularly concerning given the context of charitable and nonprofit advocacy, where clear and open communication is of the upmost importance. The injunction's overbreadth threatens to discourage not only Petitioner, but all others similarly situated, from engaging in lawful, protected speech and activities that intersect with charitable organizations, undermining the First Amendment's core purpose.

Therefore, the permanent injunction issued against Petitioner is unconstitutionally vague, overbroad, and operates as a prior restraint on speech. It suppresses lawful commercial and expressive activities without clear justification or sufficient tailoring to the government's interest. By upholding the injunction, the Colorado courts have departed from this Court's well-established First Amendment jurisprudence. This Court's intervention is necessary to reaffirm the constitutional limits on injunctions and to prevent similar overreach in future cases.

For these reasons, the Court should grant the writ of certiorari and reverse the judgment below.

CONCLUSION

For all the reasons set forth above, this case presents fundamental constitutional questions regarding the limits of judicial authority, the scope of prior restraints under the First Amendment, the procedural safeguards required by the Due Process Clause, and the Sixth Amendment right to effective assistance of counsel. The overbroad and vague permanent injunction imposed on Petitioner violates the First Amendment as an unconstitutional prior restraint on speech and fails to meet the specificity and narrow tailoring requirements necessary to justify such restrictions. Additionally, the State's failure to bring the contempt action within a reasonable statutory period raises serious due process concerns, as it effectively allows for the indefinite prosecution of alleged violations without clear temporal limitations. Moreover, Petitioner was denied the effective assistance of counsel, as his trial attorney failed to raise a meritorious statute of limitations defense, failed to introduce exculpatory evidence demonstrating his compliance with the injunction, and failed to properly inform him of the sentencing consequences of proceeding to trial. These deficiencies satisfy the two-prong test for ineffective assistance of counsel established in *Strickland v. Washington*, 466 U.S. 668 (1984), and undermine confidence in the outcome of the proceedings.

The decision of the Colorado Court of Appeals conflicts with well-established precedent from this Court regarding the constitutional limits on injunctions, the application of statutes of limitations to punitive contempt, and the right to competent legal representation. This case presents an opportunity for the Court to clarify the procedural protections that must be afforded in contempt proceedings and to prevent unconstitutional judicial overreach.

For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari, reverse the judgment below, and remand for further proceedings consistent with constitutional protections.

Respectfully submitted,

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APPENDIX A — ORDER OF THE COLORADO SUPREME COURT, FILED OCTOBER 14, 2024

COLORADO SUPREME COURT

Case No. 2024SC355

ADAM COLE SHRYOCK,

Petitioner,

v.

STATE OF COLORADO, *ex rel.*
PHILIP J. WEISER, ATTORNEY GENERAL,

Respondent.

Filed October 14, 2024

Certiorari to the Court of Appeals, 2022CA2254
District Court, City and County of Denver, 2013CV32857

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, OCTOBER 14, 2024.

JUSTICE BERKENKOTTER does not participate.

APPENDIX B — ORDER AND OPINION OF THE COLORADO COURT OF APPEALS, FILED MARCH 7, 2024

COLORADO COURT OF APPEALS

Case No. 22CA2254

STATE OF COLORADO, *ex rel.*
PHILIP J. WEISER, ATTORNEY GENERAL,

Plaintiff-Appellee,

v.

ADAM COLE SHRYOCK,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE SCHUTZ
Fox and Moultrie, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced March 7, 2024

ORDER AND OPINION

¶ 1 Defendant, Adam Cole Shryock, appeals his contempt conviction and resulting jail sentence for violating an injunction. We affirm the judgment.

Appendix B

I. Background and Procedural History

¶ 2 This case has a lengthy and convoluted procedural history. A brief summary of that history is necessary to understand the procedural and substantive issues before us.

A. The 2014 Court Trial and Resulting Injunction

¶ 3 Shryock was the sole owner and operator of Boobies Rock!, Inc. (BR) and Say No 2 Cancer (SN2 C). BR was incorporated as a for-profit corporation. SN2C started doing business around 2011 and represented itself as a nonprofit entity but was not registered as such until 2013.

¶ 4 BR sold t-shirts, bracelets, and accessories to customers and claimed that the proceeds went to cancer-related charities. BR hosted fundraisers and hired promotional models to approach potential customers and solicit cash donations. The models were instructed to represent that between 40-90% of BR's revenue went to charity. After the fundraisers, the promotional models remitted the proceeds to a promotions manager; then the manager paid them from the proceeds and deposited the remaining funds into BR's account.

¶ 5 In 2013 the Colorado Attorney General's office brought an action pursuant to the Colorado Charitable Solicitations Act (CCSA) and the Colorado Consumer Protection Act to enjoin Shryock, BR, and SN2C from engaging in deceptive trade practices. In 2014, after a three-day trial, a jury found Shryock liable for engaging

in deceptive trade practices and committing charitable fraud as it relates to BR and SN2C.[1]

¶ 6 In March 2015, the trial court entered a permanent injunction that prohibited Shryock from engaging in activities related to operating, organizing, or soliciting charitable donations. Specifically, it prohibited Shryock from

> a. Engaging in or conducting any "charitable sales promotion," as that term is defined in the CSA, Colo. Rev. Stat. § 6-16-103(3);
>
> b. Making any charitable solicitations on behalf of any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);
>
> c. Establishing, directing, facilitating, overseeing, funding, consulting on or otherwise engaging in any managerial or oversight activities relating to solicitation on behalf of, or in concert with, any charitable organization;
>
> d. Overseeing the collection or disbursement of funds by any organization which engages in

1. While the case related to Shryock's conduct with respect to BR and SN2C was pending, the State brought two different contempt citations against him for violating a temporary restraining order and subsequent stipulated temporary injunction that were in place until the matter's resolution. Shryock challenges neither the citations nor the subsequent convictions and sentences on those two contempt citations.

solicitation on behalf of, or in concert with, any charitable organization;

e. Advertising, promoting, soliciting for employees or hiring on behalf of any organization which engages in solicitation on behalf of, or in concert with, any charitable organization;

f. Operating, forming, founding, or establishing any charitable organization;

g. Benefiting financially, either directly or indirectly, from any relationship with any organization which engages in solicitation on behalf of, or in concert with, any charitable organization, including, but not limited to, accepting compensation for providing or facilitating the purchase of merchandise;

h. Acting as a director, officer, trustee, compensated employee, or professional fundraising consultant of any charitable organization;

i. Directing, facilitating, overseeing, funding, consulting on or otherwise engaging in any managerial or oversight activities for any charitable organization including, but not limited to, having involvement in the collection or disbursement of funds;

j. Recruiting directors for the governing board of a charitable organization;

> k. Overseeing the operational finances of any charitable organization; and
>
> l. Benefiting financially, either directly or indirectly, from any relationship with any charitable organization

¶ 7 On May 15, 2015, Shryock timely appealed the judgment and related injunction; however, the appeal was dismissed because Shryock failed to file the record on appeal. *See State ex rel. Suthers v. Shryock*, (Colo App. No 15CA0762, filed May 5, 2015).

B. The 2018 Contempt Proceedings

¶ 8 Despite the permanent injunction entered against him, in 2015 and 2016 Shryock collaborated with Boozie Brand, LLC and Gateways of Hope (Gateways) to work on promotional tours at sporting events, such as tailgating parties, where they sold merchandise and alcohol. Like BR, the marketed merchandise included koozies, bracelets, and apparel. Gateways' website's phone number and address were the same as Shryock's.

¶ 9 Shryock helped create Gateways' website, hired promotional models, helped draft contracts for the sales team, and provided promotional models with sales pitches for the merchandise and alcohol. Gateways' website claimed that it hosted an annual sales competition in which team members worked on projects and earned bonuses based on monthly sales.

¶ 10 The promotional models were instructed to tell customers that they were a part of a nationwide competition that helped female entrepreneurs start businesses. A witness who purchased merchandise testified that he thought that he may be able to write off a koozie purchase as a donation based on the pitch from the promotional models. He also recalled hearing the models use the word "donation" as part of their pitch.

¶ 11 In September 2016, a Boozie Brand promotional representative notified the State about the tours after learning about Shryock's past. The State investigated the claims for approximately nineteen months.

¶ 12 In April 2018 the State issued a contempt citation to Shryock for violating the permanent injunction. The trial court advised Shryock concerning the contempt citation and his rights. Shryock later appeared with counsel to address the citation and moved forward with a jury trial.

¶ 13 The day before the trial, Shryock filed a motion to dismiss, in part, based on an assertion that the 2015 permanent injunction violated his First Amendment rights. Following a three-day trial, a jury found Shryock guilty of contempt for violating the injunction. The court subsequently denied Shryock's motion to dismiss, concluding that the 2015 injunction did not violate Shryock's constitutional rights.

¶ 14 Shryock failed to appear at sentencing and was not located for nearly three years. In November 2022, while Shryock was serving a sentence on federal charges,

the court sentenced him to two years in county jail. The trial court ordered Shryock to serve the jail sentence consecutively to the federal sentence.

II. Shryock's Challenge to the 2015 Injunction

¶ 15 Shryock argues that the 2015 permanent injunction violates his constitutional rights under the First Amendment by acting as a prior restraint on his speech. However, because his appeal of the permanent injunction is untimely, we do not have jurisdiction to address this contention.

¶ 16 Subject to exceptions not applicable here, if a notice of appeal is not timely filed, the court of appeals lacks jurisdiction to hear the appeal. *People v. Baker*, 104 P.3d 893, 895 (Colo. 2005). And if a timely appeal is not taken or the appeal is subsequently abandoned, the trial court's judgment becomes final and is not subject to collateral attack in subsequent proceedings. *In re Marriage of Turek*, 817 P.2d 615, 616 (Colo. App. 1991).

¶ 17 Shryock's effort to dispute the 2015 injunction's substance is such a collateral attack. That judgment became final after the 2015 appeal was dismissed. Thus, Shryock is foreclosed from attacking the injunction in this case, and we decline to further address his belated contention that the injunction was unconstitutional.

III. Timeliness of the 2018 Contempt Citation

¶ 18 Shryock argues that 2018 contempt citation was time barred. He asserts we should apply civil statutes of

limitation and argues that the 2018 contempt citation was time barred by the applicable civil statute. We disagree.

A. Additional Facts

¶ 19 The State filed the contested contempt citation in March 2018. The citation concerned activity that occurred between 2015 and 2016, including two promotional tours, representations on Gateways' website about the entity's nature, and Shryock's alleged involvement in preparing the sales pitches that Gateways and Boozie Brands representatives gave to potential customers and donors. The State investigated Shryock's conduct after an employee noticed similarities between his prior deceptive trade practices and his current conduct and reported him to the State. The investigation ended after approximately nineteen months. Shortly thereafter, the trial court issued the third contempt citation.

B. Standard of Review and Applicable Law

¶ 20 We review questions of statutory interpretation de novo. *People v. Weeks*, 2021 CO 75, ¶ 24. In construing a statute, we aim to effectuate the General Assembly's intent. *Id.* at ¶ 25. We also review de novo questions regarding the application and interpretation of procedural rules. *Boudette v. State*, 2018 COA 109, ¶ 20.

¶ 21 The parties agree that Shryock's statute of limitations claim is unpreserved; therefore we apply the plain error standard. *Hagos v. People*, 2012 CO 63, ¶ 22. We reverse under the plain error standard only if the

error so undermines the fundamental fairness of the trial itself as to cast serious doubt on the reliability of the conviction. *Id.*

¶ 22 Generally, statutes of limitation and the related equitable doctrine of laches are affirmative defenses. *See, e.g.*, *Giron v. Koktavy*, 124 P.3d 821, 824 (Colo App. 2005) (statute of limitations); *Robbins v. People*, 107 P.3d 384, 388 (Colo. 2005) (laches). But as to criminal proceedings, statutes of limitation are jurisdictional, and therefore may be raised by any party at any time. *See, e.g.*, *People v. Ware*, 39 P.3d 1277, 1279 (Colo. App. 2001).

1. C.R.C.P. Rule 107

¶ 23 Contempt proceedings are governed by C.R.C.P. 107. *In re Parental Responsibilities Concerning A. C.B.*, 2022 COA 3, ¶ 17. The version of the rule in effect until 1995 recognized two types of contempt: criminal and civil. *Id.* Generally, criminal contempt and civil contempt were differentiated by the purpose of the proceeding and type of sanctions requested. *Id.*

¶ 24 "Criminal contempt was punitive in nature and carried an unavoidable, determinative sanction, crafted to punish the contemnor, and vindicate the court's dignity." *Id.* at ¶ 18 (citing *People v. Razatos*, 699 P.2d 970, 974 (Colo. 1985)). In contrast, civil contempt was remedial in nature and carried a sanction tailored to coerce compliance with the court's order, which the contemnor could purge by taking an action within their power and ability to perform. *Id.* at ¶¶ 18-19.

¶ 25 Rule 107 was rewritten in 1995. Under the revised rule, there are two types of contempt, direct and indirect, and two types of sanction, remedial and punitive. *Id.* at ¶ 2 1. Direct contempt involves conduct that occurs in the presence of the judge. Indirect contempt occurs when a party violates a court order outside the presence of the judge. *Id.* at ¶ 22.

¶ 26 A contempt citation that contemplates punitive sanctions—whether for direct or indirect contempt—is criminal in nature. *Id.* at ¶ 23. Rule 107 (d) (1) addresses the procedural requirements in a punitive contempt action:

> At the first appearance, the person shall be advised of the right to be represented by an attorney and, if indigent and if a jail sentence is contemplated, the court will appoint counsel. The maximum jail sentence shall not exceed six months unless the person has been advised of the right to a jury trial. The person shall also be advised of the right to plead either guilty or not guilty to the charges, the presumption of innocence, the right to require proof of the charge beyond a reasonable doubt, the right to present witnesses and evidence, the right to cross-examine all adverse witnesses, the right to have subpoenas issued to compel attendance of witnesses at trial, the right to remain silent, the right to testify at trial, and the right to appeal any adverse decision.

C.R.C.P. 107(d)(1).

¶ 27 The record reflects that the trial court advised Shryock of his rights under Rule 107. Specifically, the minute order from July 25, 2018, states as follows: "Court reads punitive contempt advisement to [Shryock]. [Shryock] pleads not guilty." Shryock also acknowledged receiving the written advisement. The court subsequently appointed counsel to represent Shryock in the contempt proceedings. The State and Shryock's counsel thereafter filed a stipulated case scheduling order, which confirmed that the case was set for a jury trial.

¶ 28 After the trial, the court sentenced Shryock to a total of two years in jail for violating the injunction terms, conduct which occurred outside the court's presence. Thus, the contempt charge constituted indirect contempt subject to punitive sanctions. The contempt charge was therefore criminal in nature.

2. Laches

¶ 29 Laches is an equitable doctrine that a defendant may assert to deny relief to a party whose unconscionable delay in enforcing their rights has prejudiced the defendant. *Robbins*, 107 P.3d at 388. Laches is an affirmative defense that may apply in contempt actions. *See Hauck v. Schuck*, 143 Colo. 324, 327, 353 P.2d 79, 81 (1960). To establish laches, a defendant has the burden to prove (1) full knowledge of the facts by the party against whom the defense is asserted; (2) the party's unreasonable delay in asserting an available remedy; and (3) intervening reliance by and prejudice to the party asserting the defense. *In re Marriage of Johnson*, 2016 CO 67, ¶ 16 (citing *Hickerson v. Vessels*, 2014 CO 2, ¶ 12).

C. Application

¶ 30 Shryock acknowledges that C.R.C.P. 107 does not include a statute of limitations. In the absence of a statute of limitations, Shryock argues we should apply either the one-year or two-year civil statute of limitations. *See* § 13-80-102 (1) (i), C.R.S. 2023 (establishing a two-year period of limitations for civil actions "of every kind for which no other period of limitation is provided"); § 13-80-103, C.R.S. 2023 (establishing a one-year period of limitations for various intentional torts).

¶ 31 Though urging us to apply a civil statute of limitations, Shryock switches hats when addressing the waiver issue. To avoid waiver of this affirmative defense, he argues that we should apply criminal law to this criminal contempt action, thereby permitting him to raise the statute of limitations for the first time on appeal.

¶ 32 The State argues that punitive contempt is a criminal action, not a civil action, and therefore the statute of limitations for civil actions cannot be applied to punitive contempt. Moreover, the People argue that contempt is a unique charge established by the judiciary to ensure the integrity and dignity of judicial proceedings. Because contempt is created and administered solely by the judiciary, the State argues that it would be improper to import a legislatively created statute of limitations to a punitive contempt action. *See*, *e.g.*, *People v. Barron*, 677 P.2d 1370, 1372 (Colo. 1984) ("The power to punish for criminal contempt is an inherent and indispensable power of the court and exists independently of legislative authorization.").

¶ 33 Even if we assume, for the sake of argument, that Shryock did not waive the statute of limitations defense, we see no rational basis for applying a civil statute of limitations to a criminal contempt charge. *Cf. Porter v. Commonwealth*, 778 S.E.2d 549, 554 (Va. Ct. App. 2015) (declining to apply a misdemeanor statute of limitations to a contempt charge); *In re Hrnicek*, 792 N.W.2d 143, 147 (Neb. 2010) ("[A] court's exercise of its contempt powers [is] not . . . subject to any statute of limitations."); *City of Rockford v. Suski*, 718 N.E.2d 269, 276 (Ill. App. Ct. 1999) ("[T]here is no statute of limitations applicable to contempt proceedings.").

¶ 34 Shryock failed to cite any controlling authority that has applied a civil statute of limitations to a criminal contempt action. Therefore, we cannot conclude that the trial court erred, much less plainly erred, by failing to sua sponte conclude that the criminal contempt proceeding was barred by either section 13-80-102 or section 13-80-103.

¶ 35 The State also contends that the doctrine of laches does not apply here. We agree. For laches to apply, Shryock was required to prove that (1) the State had full knowledge of the facts later asserted against Shryock; (2) the State unreasonably delayed its assertion of an available remedy; and (3) Shryock relied on and was prejudiced by the State's unreasonable delay. *See Johnson*, ¶ 16.

¶ 36 As it relates to the first factor, Shryock alludes to the fact that he may have asked his probation officer at some point whether his participation with Gateways

violated his probation. He also claims that he, or persons on his behalf, conferred with unnamed parties who worked for the State and that those conferrals put the State on notice of his behaviors. Despite Shryock's counsel's assertions, there is nothing in the record to support these alleged statements.

¶ 37 We conclude that the bare allegations concerning unnamed parties do not support Shryock's laches contention. *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."). Moreover, the officer who supervised Shryock's probation sentence was an employee of the judicial department, not the executive branch. Thus, any knowledge that the probation officer had could not be attributed to the Attorney General.

¶ 38 As it relates to the second factor, we agree with the State that the 2018 contempt citation was timely. The conduct that gave rise to the citation occurred between 2015 and early 2016. The State investigated the matter in September 2016, after a Boozie Brand employee alerted the State to Shryock's involvement with the organization. The action was brought in March 2018. Thus, we conclude that the time between the commencement of the investigation and the subsequent contempt action does not demonstrate undue delay. *See Caldwell v. Dist. Ct.*, 644 P.2d 26, 30 (Colo. 1982) (a ten-month delay between the denial of a motion to compel discovery and a petition is not presumptively unreasonable within the meaning of a laches defense).

¶ 39 Finally, there is no record support that Shryock reasonably relied on the delay, or that it detrimentally impacted his defense of the contempt citation. Accordingly, we conclude the trial court did not err, much less plainly err, by failing to dismiss the contempt action based on the doctrine of laches.

IV. Ineffective Assistance of Counsel

¶ 40 Shryock contends that trial counsel's performance during the 2018 jury trial was deficient and that he was prejudiced thereby. We decline to address this contention.

A. Standard of Review and Applicable Law

¶ 41 To prevail on an ineffective assistance of counsel claim, a defendant must prove counsel's performance was deficient and that counsel's deficiency created prejudice. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). To establish deficient performance, a defendant must offer facts that, if proved, would support the conclusion that counsel's performance fell outside the wide range of professionally competent representation. *Id.* at 690. Both prongs of the ineffectiveness inquiry present mixed questions of law and fact. *Dunlap v. People*, 173 P.3d 1054, 1063 (Colo. 2007).

¶ 42 Generally, in criminal cases, a claim of ineffective assistance of counsel may not be raised on direct appeal. *See People v. Versteeg*, 165 P.3d 760, 769 (Colo. App. 2006) ("[I]neffective assistance claims should not be raised for the first time on direct appeal." (citing *Ardolino v.*

People, 69 P.3d 73, 77 (Colo. 2003))). Absent extraordinary circumstances not present here, the question of whether trial counsel performed ineffectively, and whether any such deficiencies affected the case's outcome, depends upon facts that are not reflected in the record from a trial on the merits of the criminal charges. *Ardolino*, 69 P.3d at 77. This is because there is usually an insufficient factual record for the appellate court to decide the issue on direct appeal. *People in Interest of Uwayezuk*, 2023 COA 69, ¶ 2 1.

B. Application

¶ 43 Shryock contends that trial counsel's performance fell below the *Strickland* standard because she failed to review and present exculpatory evidence, such as phone calls and relevant interviews, and failed to adequately inform Shryock that he could face more than six months of jail time if he pursued a jury trial.

¶ 44 The State argues that Shryock cannot meet his *Strickland* burden because the contested recordings are not included in the record, and he does not establish how these alleged recordings would have changed the trial's outcome. Additionally, the State notes that Shryock has failed to support his claim that trial counsel failed to advise him that he could face a sentence longer than six months if he consented to a jury trial.

¶ 45 With respect to the first proposition, the disputed recordings were never provided to the trial court. The trial court is the more appropriate fact finder for an

ineffective assistance of counsel claim. *See Ardolino*, 69 P.3d at 77. We do not have the disputed recordings before us for review because they are not part of the record, and we do not have the benefit of factual findings by the trial court. These concerns animate the general prohibition against pursuing ineffective assistance of counsel claims on direct appeal.

¶ 46 With respect to the second contention, we again lack a developed factual record concerning the adequacy of the advisement trial counsel gave Shryock. In addition to the absence of a supporting record, Shryock's allegations concerning counsel's purported failure to advise him of the consequences of a jury trial is predicated on a false legal premise. Rule 107 (d) (1) provides that a sentence in excess of six months in jail may not be imposed unless the defendant "has been advised of the right to a jury trial." In this case, the defendant obviously was aware of his right to a jury trial and the case was in fact tried to a jury. Thus, it was not the scheduling of a jury trial that triggered a potential sentence of more than six months in jail; rather, such a sentence was authorized once Shryock was advised of his right to a jury trial. C.R.C.P. 107(d)(1).

¶ 47 For these reasons, we decline to address the merits of Shryock's ineffective assistance claim. We do so, however, without prejudice to Shryock's right to file an ineffective assistance of counsel claim in accordance with, and subject to, the substantive and procedural limitations of Crim. P. 35(c).

V. Sufficiency of the Evidence

¶ 48 Though not expressly stated as one of the issues asserted on appeal, at various points in his briefs Shryock raises a sufficiency of the evidence claim. Because it is adequately developed, we choose to review the claim.

A. Additional Facts

¶ 49 During the three-day trial, the jury heard testimony from Shryock, Rachel Marlow (Shryock's girlfriend and Boozie Brand owner), investigators from the Attorney General's office, and a Boozie Brand customer who testified that he was under the impression that he was donating to a charity. The jury was also presented with emails, website screenshots, and correspondence from Shryock's tenure at Gateways. The jury found Shryock guilty of contempt for violating ten out of twelve of the injunction's provisions.

B. Standard of Review

¶ 50 We review a sufficiency of the evidence claim de novo, evaluating "whether the relevant evidence, both direct and circumstantial, when viewed as a whole and in the light most favorable to the prosecution, is substantial and sufficient to support a conclusion by a reasonable mind that the defendant is guilty of the charge beyond a reasonable doubt." *People v. Donald*, 2020 CO 24, ¶ 18 (quoting *Clark v. People*, 232 P.3d 1287, 1291 (Colo. 2010)). Our analysis is guided by four well-established principles. First, we give the prosecution the benefit of all reasonable

inferences that might fairly be drawn from the evidence. *Id.* at ¶ 19. Second, we defer to the jury's resolution of the credibility of witnesses. *Butler v. People*, 2019 CO 87, ¶ 20. Third, we may not serve as a thirteenth juror by weighing various pieces of evidence or resolving conflicts in the evidence. Id. Fourth, a conviction cannot be based on guessing, speculation, conjecture, or a mere modicum of relevant evidence. *Donald*, ¶ 19.

C. Applicable Law

¶ 51 The CCSA defines a charitable organization as

> any person who is or holds [themselves] out to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, . . . civic, or other eleemosynary purpose . . . , or any person who in any manner employs a charitable appeal or an appeal which suggests that there is a charitable purpose as the basis for any solicitation.

§ 6-16-103(1), C.R.S. 2023.

¶ 52 A charitable sales promotion is "an advertising or sales campaign which is conducted by a commercial coventurer and which represents that the purchase or use of goods or services offered by the commercial coventurer will benefit, in whole or in part, a charitable organization or purpose." § 6-16-103(3).

D. Application

¶ 53 Shryock challenges the sufficiency of the evidence as it relates to whether the jury could reasonably conclude that he willfully defied the injunction through his involvement with Gateways. He asserts that he attempted to comply with the injunction prior to the tours and that Gateways was classified as a commercial endeavor and represented itself as such.

¶ 54 The State argues there was adequate evidence in the trial record for the jury to conclude that Shryock intentionally defied the injunction through his involvement with Gateways. We agree.

¶ 55 The trial court properly instructed the jury that the State had the burden to prove beyond a reasonable doubt that Shryock was guilty of contempt. The jury was also properly instructed about the meanings of charitable organization and a charitable solicitation. Shryock does not contest the adequacy of these instructions. Therefore, the question is whether there was sufficient evidence for the jury to conclude beyond a reasonable doubt whether Shryock's interactions with Gateways violated the injunction.

¶ 56 The jury could have reasonably found Shryock guilty based on the following evidence:

- testimony from Shryock that he started Gateways, in part, because of his strong interest in social justice issues, particularly

providing opportunities for incarcerated people;

- testimony from a witness solicited by Gateways stating that the information presented to him made it seem like a charity and that he thought he was making a donation and could claim his contribution as a tax deduction;

- transcribed phone calls between Shryock and Marlow in which they discuss promotional tour logistics in depth, including the promotional models' attire and sales techniques;

- the similarities between the merchandising and sales pitches for Gateways and BR; and

- testimony from a State investigator that described investigation techniques such as forensic accounting used for BR's and Gateways' bank accounts and explanations about how BR's and Gateways' finances interacted.

¶ 57 Viewing the evidence in the light most favorable to the State, we conclude that a reasonable jury could find beyond a reasonable doubt that Shryock violated the injunction and was guilty of contempt by engaging in charitable activities or soliciting charitable donations. Therefore, we reject Shryock's contention that there was insufficient evidence to support the jury's verdict.

VI. Disposition

¶ 58 The judgment and sentence are affirmed. For the reasons stated, we decline to address Shryock's ineffective assistance of counsel claim.

JUDGE FOX and JUDGE MOULTRIE concur.