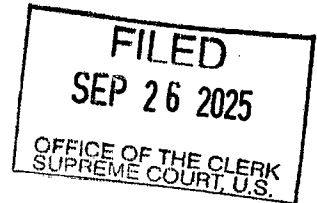


25-5768

ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Lorene Chittenden — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lorene Chittenden
(Your Name)

2860 Brahman Circle
(Address)

Bowling Green , Ky 42104
(City, State, Zip Code)

571-260-3434
(Phone Number)

QUESTION(S) PRESENTED

In *People v. Weeks* 498 P. 142, 2021 CO 75, the court interpreted the restitution statute, 18-1.3-603, C.R.S. (2021). The court concluded that the restitution deadline may be extended only if, before the deadline expires, the court expressly finds good cause for doing so. It follows that neither a request for more time to determine the proposed amount of restitution nor an order granting such a request justifies extending the prosecution's deadline in subsection (2) or the court's deadline in subsection (1)(b).

The question presented is this: Should the fourth circuit ruling that Chittenden did not file a timely appeal apply since there has been an intervening change in the law recognizing an issue that was not previously available? *Holland*. 181 F. 3d 597, 605-06.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

People v. Weeks No 20 SC 340, Supreme Ct of Colorado, en banc.
Judgement entered Nov. 8, 2021

People v. Perez No. 20, Court of Appeals of
Judgement entered March 26, 2020

People v. Roberson No. 21 CA 1713 Colorado Court of Appeals, Div V.
Judgement entered July 20, 2023

People v. Turecek No. 10CA0993, Colorado Court of Appeals Div. III.
Judgement entered April 12, 2012

Holland v. Big River Minerals No 98-2353. U.S. Court of Appeals, Fourth Circuit
Judgement entered June 23, 1999

Curtis Publ'g Co v. Butts No. 37 Supreme Court of United States
Judgement entered June 12, 1967

Chittenden v. U.S. S. Ct. No. 17-5100
Judgement entered July 25, 2018

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 06/26/2025.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 07/28/2025, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Every order of conviction of a felony, misdemeanor, petty, or traffic misdemeanor offense except any order of conviction for a state traffic misdemeanor offense issued by a municipal or county court in which the prosecuting attorney is acting as a special deputy district attorney pursuant to an agreement with the district attorney's office, shall include consideration of restitution. Each such order shall include one or more of the following: (a) An order of a specific amount of restitution be paid by the defendant; (b) An order that the defendant is ordered to pay restitution, but that the specific amount of restitution shall be determined within the ninety-one days immediately following the date of conviction, unless good cause is shown for extending the time period by which the restitution amount shall be determined; (c) An order, in addition to or in place of a specific amount of restitution, that the defendant pay restitution covering the actual cost of specific future treatment of any victim of the crime; or (d) Contains a specific finding that no victim of the crime suffered a pecuniary loss and therefore no order for the payment of restitution is being entered. (2) The court shall base its order for restitution upon information presented to the court by the prosecuting attorney, who shall compile such information through the victim impact statements or other means to determine the amount of restitution and the identities of the victims. Further, the prosecuting attorney shall present this information to the court prior to the order of conviction or within ninety-one days. If this is not available prior to the order of conviction. The court may extend this date if it finds that there are extenuating circumstances affecting the prosecuting attorney's ability to determine restitution.

STATEMENT OF THE CASE

On 10/03/2014 at Chittenden's sentencing hearing no restitution was determined and the court did not find good cause for extending the deadline. Restitution was not determined until over a year later on 10/13/2015.

On 06/25/2025 the court of appeals denied Chittenden's motion to dismiss her restitution stating she failed to file a timely appeal or extension.

In 2021, *People v. Weeks*, 498 P. 142, 2021 CO 75, the courts interpreted the restitution statute, section 18-1.3 - 603, C.R.S. (2021).

The courts recognize an exception to the rule where there has been an intervening change in the law, *People v. Weeks*, recognizing an issue that was not previously available, *Holland*, 181 F. 3d 605-06 and *Chittenden* 896 F. 3d 633. That exception applies when there is strong precedent prior to the change, such that failure to raise the issue was not unreasonable and the opposing party was not prejudiced by the failure to raise the issue sooner. (Citing *Curtis Publ'g Co. v Butts*, 388 U.S. 130, 142-45, 87 S. Ct. 1975, 18 L. Ed 2d 1094 (1967). A party cannot be deemed to have waived objections or defenses which were not known to be available at the time they could have been made.

REASONS FOR GRANTING THE PETITION

Since People v. Weeks, 498 P. 3d 142, 2021 CO 75, the Supreme Court interprets the restitution statute. Before this case, good cause was not defined. The defendant could not appeal until this decision therefore her appeal is not untimely. This case provides the courts an opportunity to correct a court of appeals ruling that stands in direct conflict with its holding in People v. Weeks. The court of appeal's inconsistent ruling should be reviewed and reversed. For this reason stated this petition should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lorene Chittenden

Date: 9-29-25