



PRESS RELEASE

Colorado Department of Law
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**ATTORNEY GENERAL REACTS TO COLORADO COURT OF APPEALS OPINION
ON AMENDMENT 64**

DENVER – The Colorado Court of Appeals today issued an opinion finding that Colorado Amendment 64, which decriminalized possession of one ounce or less of marijuana for personal use, applies retroactively to defendants whose convictions under those provisions were subject to appeal or post-conviction motion on the effective date of the amendment. The defendant in the case in question received probation for possession of methamphetamine, marijuana concentrate and less than an ounce of marijuana.

The following statement is to be attributed to Colorado Attorney General John Suthers.

“The impact of this ruling is very limited given that possession of an ounce or less of marijuana was already a petty offense subject to a \$100 fine. No one could be incarcerated for such a petty offense. The possession of marijuana concentrate was a Class Five felony until August of 2010 at which time possession of less than three ounces of marijuana concentrate was reduced to a Class One misdemeanor. Amendment 64 made possession of less than an ounce of marijuana concentrate lawful under Colorado law. It is highly unlikely that there is anyone incarcerated at this time strictly for possession of marijuana concentrate of less than one ounce.

While the Attorney General’s Office is reviewing the ruling, we will likely appeal because of the implications this ruling may have on other non-marijuana cases. Well-established

retroactivity law in Colorado indicates that statutory changes are prospective only unless the General Assembly or the voters have clearly indicated an intent to require such retroactive application. That was not the case with Amendment 64.”

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