

<p>DISTRICT COURT, MESA COUNTY, COLORADO Mesa County Justice Center 125 N. Spruce Street Grand Junction, CO 81501</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>TINA MARIE PETERS,</p> <p>Defendant.</p>	
<p>DANIEL P. RUBINSTEIN, District Attorney* PO Box 20,000 - 5031 Grand Junction, CO 81502-5031 Telephone: 970-244-1730 Registration Number: 27473 (DPR); 27697 (JSD); 26869 (RSS) *Counsel of Record</p>	<p>Case No. 22CR371</p> <p>Div.: 9</p>
<p>REPOSE TO DEFENDANT’S RENEWED MOTION FOR BOND PENDING APPEAL AND RE-SENTENCING</p>	

The People oppose the Defendant’s renewed motion for an appeal bond for the reasons stated below:

BACKGROUND

Defendant, Tina Peters, was convicted by a jury of three counts of attempt to influence a public servant and one count each of first-degree

official misconduct, violation of duty, failure to comply with requirements of the Secretary of State, and conspiracy to commit criminal impersonation. CF, pp.4638-51, 5207. Shortly before sentencing, Defendant requested an appeal bond from this Court. CF, pp.5108-5112. This Court denied the request on the record at sentencing and in a subsequent written order. TR-10/3/24, pp.100-04; CF, p.5203. The Colorado Court of Appeals also denied Defendant's request for an appeal bond. Def. Ex. H. Defendant unsuccessfully challenged this Court's denial of an appeal bond in a habeas corpus action in federal court and in the Court of Appeals. Def. Exs. B, I.

In its opinion issued earlier this month, the Court of Appeals affirmed Defendant's convictions but remanded the case for resentencing, concluding that her original sentence was based, in part, on her protected speech. *People v. Peters*, 2026 COA 24, ¶¶ 149, 151. Defendant filed a petition for rehearing in the Court of Appeals, which the Court of Appeals has now denied. Def. Ex. A; People's Exhibit 1. The

mandate will issue on May 22, 2026, unless either party petitions for certiorari in the Colorado Supreme Court. People's Exhibit 1.

Defendant now files a renewed motion for bond pending completion of the appellate process and resentencing. Under the current rules regarding appeal bonds, Defendant may request an appeal bond from the Court of Appeals if this Court does not deny or grant her motion within 48 hours. C.A.R. 9(b); § 16-4-205, C.R.S. 2026. Once this Court rules on Defendant's motion, she may appeal this Court's ruling to the Court of Appeals. C.A.R. 9(a).

LEGAL ANALYSIS

I. This Court has jurisdiction to rule on the motion.

Although the mandate has not yet issued in Defendant's direct appeal, this Court has jurisdiction to rule on her renewed request for an appeal bond. *See People v. Stewart*, 55 P.3d 107, 126 (Colo. 2002) (“[A] limited remand to the trial court was not necessary for that court to consider the defendant's request for an appeal bond.”).

II. This Court should deny Defendant an appeal bond.

There is no constitutional right to bail after conviction. *See* Colo. Const. Art. II, § 19(2.5)(a); *People v. Hoover*, 119 P.3d 564 (Colo. App. 2005). By statute, a court shall not set bail after a conviction unless the court finds that:

(a) the person is unlikely to flee and does not pose a danger to the safety of any person or the community; and

(b) the appeal is not frivolous or is not pursued for the purpose of delay.

§ 16-4-201.5(2), C.R.S. 2026.

If section 16-4-201.5(2) alone does not foreclose an appeal bond, the court shall consider a variety of other factors before granting an appeal bond, specifically:

(a) The nature and circumstances of the offense before the court and the sentence imposed for that offense;

(b) The defendant's length of residence in the community;

(c) The defendant's employment, family ties, character, reputation, and mental condition;

(d) The defendant's past criminal record and record of appearance at court proceedings;

(e) Any showing of intimidation or harassment of witnesses or potential witnesses, or the likelihood that the defendant will harm or threaten any person having a part in the trial resulting in conviction;

(f) Any other criminal charges pending against the defendant and the potential sentences should the defendant be convicted of those charges;

(g) The circumstances of, and sentences imposed in, any criminal case in which the defendant has been convicted but execution stayed pending appeal;

(h) The likelihood that the defendant will commit additional criminal offenses during the pendency of such defendant's appeal; and

(i) The likelihood of success on appeal.

§ 16-4-202(1), C.R.S. 2026. The decision to grant an appeal bond is a matter of discretion. *People v. Gurule*, 174 P.3d 846 (Colo. App. 2007); *see also* § 16-4-201(1)(a), C.R.S. 2026.

This Court should deny Defendant an appeal bond because it is required to do so unless it finds that Defendant is “unlikely to flee.”

§ 16-4-201.5(2)(a). In its previous order denying an appeal bond, this

Court credited the People's arguments that Defendant was a flight risk. TR-10/3/24, p.100:19-24; CF, p.5203. In particular, the People argued that "[f]rom the time this case was filed with the District Court until the time Defendant was placed on home detention with electronic monitoring for a different misdemeanor conviction, the Defendant frequently flew around the country and had access to private planes," and that "[d]uring the trial, the defense repeatedly violated court orders and attempted to cause issues that would result in mistrial and create appellate arguments." CF, pp.5127, 5129.

During the sentencing hearing, where this Court previously denied Defendant an appeal bond, this Court also noted Defendant's disregard of court orders and conduct kicking a police officer who arrested her. TR-10/3/24, pp.85:9-14, 99:9-11; CF, p.5129. These concerns about Defendant's flight risk remain unchanged. If anything, Defendant now presents an increased flight risk because the Court of Appeals has affirmed her felony convictions. Because Defendant continues to pose a flight risk, this Court must deny her request for an

appeal bond. Therefore, her motion fails on the threshold requirement of a finding that she is “unlikely to flee.”

Even if section 16-4-201.5(2) alone does not foreclose an appeal bond, the factors in section 16-4-202(1) weigh against granting Defendant an appeal bond. In its original order denying an appeal bond, this Court found that: Defendant’s likelihood of success on appeal was poor; her criminal conduct had a negative effect on her reputation and community ties; she lacked remorse for her crimes; and she would commit the crimes again if she could. TR-10/3/24, pp.97-98, 100:15-24. Those circumstances have not changed and continue to weigh in favor of denying an appeal bond.

And subsequent developments further support denial.

First, Defendant’s challenges to her convictions on appeal have been rejected by the Court of Appeals in a well-reasoned opinion, and the Court of Appeals remanded her case only for resentencing. Further, the Court of Appeals has now denied Defendant’s petition for a rehearing. Thus, the likelihood that Defendant will succeed in

overturning her convictions on appeal is even lower than before. And the remand for resentencing does not in any way guarantee that she will receive a reduced sentence, let alone a sentence reduced so significantly that the remaining appellate process would potentially affect its execution. Rather, the considerations properly considered by this Court at sentencing continue to support the sentence currently imposed.

Second, Defendant has continued to demonstrate a lack of remorse and to claim her criminal conduct was justified. The Court of Appeals affirmed that this Court's "view that [Ms.] Peters was motivated by self-promotion and self-interest . . . was fully within the court's discretion to articulate and consider, as was her evident lack of remorse," *Peters*, ¶ 146, and it rejected Defendant's claim that her criminal conduct was justified, *id.* at ¶¶ 97-108, 110-113. In Defendant's declaration attached to her motion she now acknowledges, for the first time in the many years this case has been pending, that she "made mistakes" and was "wrong" to mislead the Secretary of State. Def. Ex. C, p.4. However,

later in that same declaration, she remarks “that my actions were perceived by others as illegal.” Def. Ex. C, p.6. Defendant also continues to challenge her convictions on the grounds that her conduct was justified, as demonstrated by the arguments in her petition for rehearing. Def. Ex. A. Thus, despite a jury of her peers finding her guilty beyond a reasonable doubt and the Court of Appeals affirming that sufficient evidence supported her convictions and that her criminal conduct was not justified, *Peters*, ¶¶ 53-85, 97-108, 110-113, Defendant continues to both downplay the criminal nature of her actions and assert that her actions were legal.

Defendant suggests that because this Court may have relied on statements the Court of Appeals subsequently concluded were protected speech in denying her original request for an appeal bond, it must grant her an appeal bond now. But this Court must deny Defendant’s request under section 16-4-201.5(2)(a) based on her continuing flight risk, a determination that is not based on any of her protected speech. Additionally, the reasons discussed above, which do not rely on Ms.

Peters' protected speech and which the Court of Appeals affirmed were proper considerations for sentencing, also independently support this Court's decision to deny her request for an appeal bond under the statutory factors set forth in section 16-4-202(1).

Finally, Defendant's assertion that her conditions of confinement at La Vista Correctional Facility warrant an appeal bond is also unavailing. Conditions of confinement are not a proper basis for granting an appeal bond, as none of the statutory factors address it.

WHEREFORE, the People request that this Court deny Defendant's renewed request for an appeal bond.

/s/ Daniel P. Rubinstein

DANIEL P. RUBINSTEIN,
District Attorney*
Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **RESPONSE TO DEFENDANT'S RENEWED MOTION FOR AN APPEAL BOND** upon **JOHN CASE**, and all parties herein via the Colorado Courts E-filing System (CCES) on November 22, 2024.

/s/ Jordan Weimer _____

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED April 23, 2026 CASE NUMBER: 2024CA1951
Mesa County 2022CR371	
Plaintiff-Appellee: The People of the State of Colorado, v. Defendant-Appellant: Tina Marie Peters.	Court of Appeals Case Number: 2024CA1951
ORDER DENYING PETITION FOR REHEARING	

The PETITION FOR REHEARING filed in this appeal by:

Tina Marie Peters, Defendant-Appellant,

is **DENIED**.

Issuance of the Mandate is stayed until: May 22, 2026

If a Petition for Certiorari is timely filed with the Supreme Court of Colorado, the stay shall remain in effect until disposition of the cause by that Court.

DATE: April 23, 2026

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

