

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: June 20, 2024
Original Proceeding District Court, Pueblo County, 2023CR1542	
In Re:	Supreme Court Case No: 2024SA159
Plaintiff:	
The People of the State of Colorado,	
v.	
Defendant:	
Mario Anthony Arellano.	
ORDER OF COURT	

Having considered all relevant pleadings in the above-captioned action, the court finds and orders as follows.

On or about April 24, 2024, petitioner, Mario Arellano, while on bond, entered a plea of not guilty by reason of insanity (NGRI) under Section 16-8-103(1)(a), C.R.S. (2023).

An NGRI plea requires the district court to “commit” the defendant for evaluation. More specifically: “When a plea of not guilty by reason of insanity is accepted, the court shall forthwith commit the defendant for a sanity examination, specifying the place and period of commitment.” § 16-8-105.5(1), C.R.S. (2023).

As relevant here, Arellano “may be committed for such examination to . . . the Colorado mental health institute at Pueblo [CMHIP], the place where he or she is in custody, or such other public institution designated by the court.” § 16-8-106(1)(a), C.R.S. (2023). When Arellano entered his plea, he was not in custody; he was released on bond. Therefore, the statutory scheme authorized his commitment for evaluation at CMHIP or another public institution selected by the court.

The district court, without formally revoking bond, ordered Arellano to be confined in the Pueblo County Jail to await a sanity examination. In so doing, the district court seemed to treat the term “commit” as necessitating confinement in custody pending forensic evaluation. While the statutory scheme is hardly a model of clarity, this court concludes that “commit” as used in the foregoing statutes does not mean “jail or imprison.”

Accordingly, Arellano may not be confined in the county jail, while otherwise on bond, simply to facilitate the statutorily mandated sanity examination.

We ORDER the district court to release Arellano from the jail if commitment for a sanity examination is the only basis for his detention. The defendant may be ordered to appear at CMHIP or another public institution designated by the court as necessary to permit the Colorado Department of

Health (CDH) and its agents to properly complete the forensic evaluation. CDH may require Arellano to appear for multiple evaluative sessions and inpatient observation periods, as it deems necessary for this examination, without additional court orders.

This is a final order. No opinion will issue.

BY THE COURT, EN BANC, JUNE 20, 2024