ADVANCE SHEET HEADNOTE
March 3, 2025

2025 CO 10

No. 23SC511, *Snedeker v. People*—Sentencing.

The supreme court first holds that when a sentence is illegal under *Allman v. People*, 2019 CO 78, 451 P.3d 826, and a defendant has already served the prison portion of the sentence, the court has the authority to reimpose a probationary term because probation remains a legal sentencing option at resentencing. It next holds that it does not violate *Allman* for a court to sentence a defendant to imprisonment in *one* case and probation in a *separate* case. Accordingly, the supreme court affirms the court of appeals' judgment and the district court's resentencing.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2025 CO 10

Supreme Court Case No. 23SC511
C.A.R. 49 & 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case Nos. 21CA399 & 23CA1025

Petitioner:

Bradford Wayne Snedeker,

v.

Respondent:

The People of the State of Colorado.

Judgment and Order Affirmed
en banc
March 3, 2025

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JUSTICE BOATRIGHT delivered the Opinion of the Court, in which **CHIEF JUSTICE MÁRQUEZ**, **JUSTICE HOOD**, **JUSTICE GABRIEL, JUSTICE HART**, and **JUSTICE SAMOUR** joined.
JUSTICE BERKENKOTTER did not participate.

JUSTICE BOATRIGHT delivered the Opinion of the Court.

¶1 Bradford Wayne Snedeker was convicted of various fraud and theft charges in two separate Boulder County District Court cases. In the first case, *People v. Snedeker*, No. 13CR1903 (Dist. Ct., Boulder Cnty.) ("Fraud Case"),[1] the district court sentenced Snedeker to a four-year prison term on two securities fraud counts, along with a consecutive one-year term of work release plus twenty years of economic crimes probation on two theft counts. In the second case, *People v. Snedeker*, No. 13CR1678 (Dist. Ct., Boulder Cnty.) ("Theft Case"), the district court sentenced Snedeker to fifteen years of economic crimes probation for a theft conviction to run concurrently with the Fraud Case sentence. After Snedeker had completed the prison term of his Fraud Case sentence and was serving probation, we announced *Allman v. People*, 2019 CO 78, ¶¶ 3, 40, 451 P.3d 826, 828, 835, in which we held that a court may not sentence a defendant to imprisonment for one offense and probation for a different offense in the same case. The People then moved to revoke Snedeker's probation, at which point he argued that his sentences were illegal under *Allman*. The district court recognized that Snedeker's Fraud Case sentence was illegal, and it ordered resentencing; however, as to the Theft

[1] The charges in the Fraud Case included counts of both securities fraud and theft. The name "Fraud Case" is not meant to disregard the theft charges and is used only for the readers' convenience.

Case, the court found that *Allman* did not apply to sentences in separate cases. Ultimately the court resentenced Snedeker to concurrent sentences of prison in the Theft Case and probation in the Fraud Case.

¶2 In *People v. Snedeker*, 2023 COA 46, ¶¶ 1, 17, 535 P.3d 128, 129, 132, a division of the court of appeals reviewed the Fraud Case and affirmed the district court's resentencing decision. Snedeker then petitioned this court for review.[2] Snedeker now argues that (1) when a court vacates a defendant's prison-plus-probation sentence to comply with *Allman* and the defendant has already served the prison portion of the sentence, a resentencing that reimposes the original probationary sentence still violates *Allman*; and (2) when a court imposes concurrent prison and

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[2] We granted certiorari to review the following issues:

1. Whether in cases where a prison-plus-probation sentence violates *Allman v. People*, 2019 CO 78, 451 P.3d 826, re-imposition of the original probation sentence after the defendant has served the prison sentence (thereby resulting in the same sentence) remains violative of *Allman*.
2. Whether, in cases where a defendant is resentenced in a global sentencing hearing, it violates *Allman* for the court to impose prison in one case concurrent to probation in another.

The first issue stems from the Fraud Case alone, while the second issue involves both cases. Because the court of appeals had not completed its review of the Theft Case by the time we granted Snedeker's petition in the Fraud Case, we issued a C.A.R. 50 order to bring the Theft Case before us so we could properly address both issues raised in the petition.

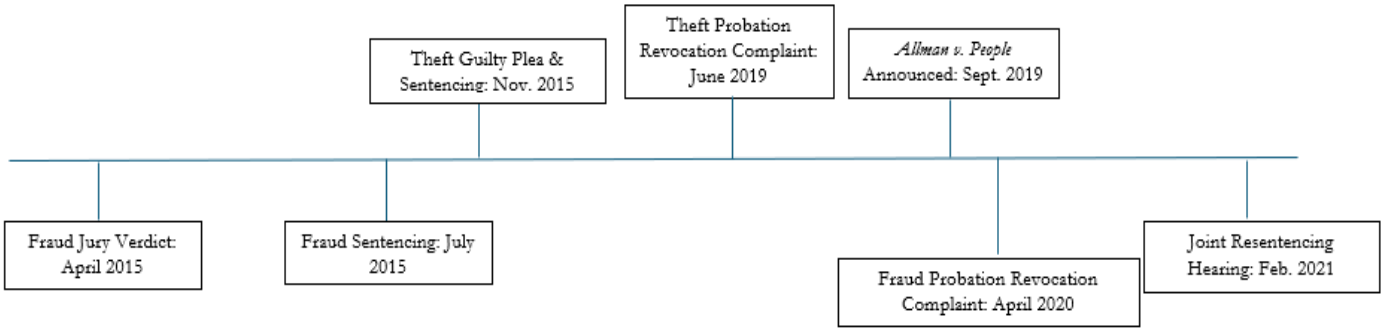
probationary sentences at a joint sentencing hearing for charges stemming from separate cases, this also violates *Allman*.

¶3 We first hold that when a sentence is illegal under *Allman* and a defendant has already served the prison portion of the sentence, the court has the authority to reimpose a probationary term because probation remains a legal sentencing option at resentencing. Accordingly, we conclude that it was permissible for the district court to resentence Snedeker to twenty years of probation with credit for four years of time served. Next, we hold that it does not violate *Allman* for a court to sentence a defendant to imprisonment in *one* case and probation in a *separate* case. Thus, we affirm both the court of appeals' judgment that the district court's sentence was proper in the Fraud Case and the district court's resentencing in the Theft Case.

I. Facts and Procedural History

¶4 In the Fraud Case, a jury found Snedeker guilty of two counts of securities fraud and two counts of theft.[3] The district court then sentenced Snedeker to four

[3] We are including this timeline for clarity.



years of imprisonment on the securities fraud counts, and a consecutive one-year term of work release with twenty years of economic crimes probation on the theft counts. Later, in the Theft Case, Snedeker pleaded guilty to one count of theft–$20,000 or more. The court sentenced him to fifteen years of economic crimes probation, and it ordered the sentence to run concurrently with his sentence in the Fraud Case.

¶5 After Snedeker was released from prison and completed his work release sentence, the People filed probation revocation complaints in both cases alleging that he had violated the conditions of his probation by failing to disclose and being dishonest about financial information. The court scheduled a probation revocation hearing after the first probation revocation complaint was filed. While that hearing was pending, we decided *Allman*, holding that "when a court sentences a defendant for multiple offenses in the same case, it may not impose imprisonment for some offenses and probation for others." ¶ 28, 451 P.3d at 833. Shortly thereafter, Snedeker moved to dismiss the probation revocation complaints, alleging that his underlying probationary sentences were illegal under *Allman*. The district court concluded that the sentence in the Fraud Case was illegal because it featured both a prison term and a probationary term. Thus, the court ordered that Snedeker must be resentenced. Conversely, the court concluded that the original sentence in the Theft Case was legal because it only

involved probation; in so finding, the court interpreted *Allman* "to only apply in the narrow situation of a probation sentence and a [prison] sentence on two separate counts in the same case."

¶6 The court then conducted a joint resentencing hearing. In the Theft Case, the court revoked Snedeker's probationary sentence and resentenced him to four years of imprisonment, plus three years of parole. At the same hearing, in the Fraud Case, the court resentenced Snedeker to twenty years of probation with a four-year credit for the time he served in prison. The court ordered the sentences to run concurrently with each other.

¶7 Snedeker appealed both cases. The court of appeals upheld the sentence in the Fraud Case, finding that Snedeker's new sentence conformed with *Allman* because it was a probationary sentence without a prison component. *Snedeker*, ¶ 13, 535 P.3d at 131. It also rejected Snedeker's argument that sentencing him to prison in one case and probation in another is illegal, declining to extend *Allman*'s holding to cases where prison and probationary sentences were imposed in separate cases. *Id.* at ¶ 14, 535 P.3d at 131.

¶8 We granted certiorari in the Fraud Case, though the issues in the petition involved both cases. Therefore, while Snedeker's appeal of the Theft Case was pending in the court of appeals, we issued a C.A.R. 50 order to obtain jurisdiction

over that appeal and address it simultaneously with the Fraud Case.[4] We now affirm the court of appeals' judgment in the Fraud Case and the district court's resentencing in the Theft Case.

II. Analysis

¶9 We first consider whether a court violates *Allman* by reimposing probation on a defendant who has already completed the prison portion of an illegal prison-plus-probation sentence. We hold that when a sentence is illegal under *Allman* and a defendant has already served the prison portion of the sentence, the court has the authority to reimpose a probationary term because probation remains a legal sentencing option at resentencing. Next, we address whether, when a defendant is sentenced in multiple cases at the same hearing, it violates *Allman* for the court to impose prison in one case concurrent to probation in another. Because the rule in *Allman* is specific to cases where there are "multiple offenses in the same case," ¶ 40, 451 P.3d at 835, we hold that it does not violate *Allman* for a court to sentence a defendant to imprisonment in *one* case and probation in a *separate* case.

[4] The People contend that this court does not have jurisdiction over the Theft Case. However, Snedeker concedes this court's jurisdiction over that case. Because we granted certiorari on two issues, one of which involves both cases, we will proceed accordingly under C.A.R. 50.

A. Legal Standards

¶10 It is the legislature's prerogative to prescribe punishments. *Vensor v. People*, 151 P.3d 1274, 1275 (Colo. 2007). "Courts therefore exercise discretion in sentencing only to the extent permitted by statute." *Id.* Courts have no inherent power to impose a sentence without statutory authority. *Allman*, ¶ 30, 451 P.3d at 833. Trial courts have statutory authority to impose sentences of probation or imprisonment. *Id.* at ¶ 34, 451 P.3d at 833 (explaining that the probation statute "requires a choice between prison and probation").

¶11 Probation and imprisonment are sentencing options governed by separate statutes. §§ 18-1.3-201 to -212, C.R.S. (2024); §§ 18-1.3-401 to -410, C.R.S. (2024). In interpreting a statute, the court must discern the legislature's intent. *People v. Jones*, 2020 CO 45, ¶ 54, 464 P.3d 735, 746. To do so, we first look at the plain language of the statute. *Garcia v. People*, 2023 CO 41, ¶ 14, 530 P.3d 1200, 1203. "We do not add words to the legislature's chosen text. Where the plain language is clear and unambiguous, we apply it as written." *Id.* (citation omitted) (first citing *People v. Diaz*, 2015 CO 28, ¶ 12, 347 P.3d 621, 624; and then citing *Nieto v. Clark's Mkt., Inc.*, 2021 CO 48, ¶ 12, 488 P.3d 1140, 1143). If the statute is silent on a matter or the language is susceptible to more than one reasonable interpretation, we may use extrinsic aids to interpret and apply the statute to effectuate legislative intent. *Martinez v. People*, 2020 CO 3, ¶ 17, 455 P.3d 752, 756. Extrinsic aids of construction

include "the consequences of a given construction, the end to be achieved by the statute, and the statute's legislative history." *McCoy v. People*, 2019 CO 44, ¶ 38, 442 P.3d 379, 389. We read the legislative "scheme as a whole, giving consistent, harmonious, and sensible effect to all of its parts, and we must avoid constructions that would render any words or phrases superfluous or lead to illogical or absurd results." *Id.*

¶12 Whether a trial court has the authority to impose a specific sentence is a question of statutory interpretation, which we review de novo. *Magana v. People*, 2022 CO 25, ¶ 33, 511 P.3d 585, 592.

B. Courts May Resentence Defendants to Probation After They Have Completed Their Prison Term

¶13 We must first determine whether a court violates *Allman* by reimposing probation on a defendant who has already completed the prison portion of an illegal prison-plus-probation sentence. We hold that when a sentence is illegal under *Allman* and a defendant has already served the prison portion of the sentence, the court has the authority to reimpose a probationary term because probation remains a legal sentencing option at resentencing. Accordingly, we conclude that it was permissible for the district court to resentence Snedeker to twenty years of probation with credit of four years for time served in the Fraud Case.

¶14 We held in *Allman* that a court may not sentence a defendant to terms of both prison and probation in the same case. ¶ 40, 451 P.3d at 835. Snedeker now contends that, when a sentencing court resentences a defendant whose initial sentence violated *Allman* (and who had already completed the prison term), the court may not simply reimpose a defendant's original[5] probationary sentence because doing so results in a functional equivalent of the sentence that *Allman* prohibited (i.e., a term of prison followed by probation). *See id.*

¶15 To evaluate this argument, we first look at the plain language of the statutes for guidance, before analyzing and applying *Allman*. Section 18-1.3-202(1)(a), C.R.S. (2024), describes the probationary power of the court and states that "[i]f the court chooses to grant the defendant probation, the order placing the defendant on probation shall take effect upon entry." When a defendant is resentenced to probation alone, there is nothing *in that sentence* preventing the order from taking effect upon entry. Further, the probationary power of the court applies equally to sentencing and resentencing as section 18-1.3-202 does not distinguish between types of sentencing hearings.

[5] We use the term "original" because it is part of the first issue on which we granted certiorari review and accurately describes what the district court did here by reimposing Snedeker's probationary sentence.

¶16 Additionally, courts may correct an illegal sentence at any time. Crim. P. 35(a). When "any aspect of a sentence is inconsistent with statutory requirements, the complete sentence is illegal," *Delgado v. People*, 105 P.3d 634, 637 (Colo. 2005), and an illegal sentence is "void," *People v. Flenniken*, 749 P.2d 395, 398 (Colo. 1988). A void judgment is void *ab initio*, meaning "it is as if the judgment never existed." *Watt v. United States*, 162 F. App'x. 486, 503 (6th Cir. 2006) (unpublished opinion) (citing *In re James*, 940 F.2d 46, 52 (3d Cir. 1991)). Generally, courts vacate illegal sentences and resentence defendants to a legal sentence—either to prison *or* probation. *See, e.g.*, *Flenniken*, 749 P.2d at 398. But section 18-1.3-202 does not address the specific scenario presented here: when a defendant is resentenced to probation after completing the prison portion of an illegal prison-plus-probation sentence. Thus, we turn to *Allman*.

¶17 *Allman* addressed an illegal sentence of prison plus probation and held that "when a court sentences a defendant for multiple offenses *in the same case*, it may not impose imprisonment for some offenses and probation for others." ¶ 28, 451 P.3d at 833 (emphasis added). Our holding was based on both statutory language and practical considerations. *Id.* at ¶¶ 33, 39, 451 P.3d at 833–35. Specifically, we interpreted the probation statutes as requiring a choice between prison and probation, and we determined that the requirement that probation orders "shall take effect upon entry" means that probation is not intended to run

consecutively to a sentence of imprisonment. *Id.* at ¶ 38, 451 P.3d at 834; § 18-1.3-202(1)(a). We also rejected the argument that, in a single case, a court could "impose a period of post-incarceration probation longer than that of parole"; we reasoned that "allowing a trial court to in effect increase the time of post-incarceration supervision ignores the fact that the legislature determined the proper length of time for a defendant's post-incarceration supervision when it crafted mandatory periods of parole." *Allman*, ¶ 35, 451 P.3d at 834. Finally, we posited that the legislature did not intend for defendants to be simultaneously supervised by two branches of government during post-incarceration supervision. *Id.* at ¶ 38, 451 P.3d at 834.

¶18 Next, we consider whether the *Allman* holding extends to Snedeker's circumstances. We will address the sentencing court's decision between probation and prison, the timing of the sentences' imposition, and the implications of mandatory parole periods.

¶19 First, unlike in *Allman*, Snedeker's *new* sentence in the Fraud Case is not a prison-plus-probation sentence; instead, it is a sentence of straight probation. That Snedeker was *previously* sentenced to prison plus probation is irrelevant because that sentence is void and has no effect; during resentencing, the court may consider all available sentencing options anew. *See Watt*, 162 F. App'x. at 503.

¶20 Second, the probation statutes and *Allman* both dictate that probation must "take effect upon entry." *Allman*, ¶ 38, 451 P.3d at 834; § 18-1.3-202(1)(a). In Snedeker's instance, because he was resentenced to probation alone in the Fraud Case, that sentence began immediately. Further, that Snedeker had already served the prison portion of his sentence does not prevent the reimposed probation from being a legal sentence. This remains true even if a defendant's lived experience includes a prison sentence, followed by a new sentence of probation.

¶21 Third, unlike in *Allman*, Snedeker's Fraud Case sentence contains no parole alongside a probationary term. True, the Fraud Case probation results in concurrent post-incarceration supervision (probation in the Fraud Case and parole in the Theft Case), but the probation is based on Snedeker's convictions in the Fraud Case, not the Theft Case.[6]

¶22 Accordingly, we hold that when a sentence is illegal under *Allman* and a defendant has already served the prison portion of the sentence, the court has the authority to reimpose a probationary term because probation remains a legal sentencing option at resentencing.

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[6] In other words, the legislature's purpose for parole will be satisfied when Snedeker's Theft Case sentence ends. He will then continue to be supervised via the Fraud Case probationary sentence. However, the probation does not serve to extend the Theft Case's post-incarceration supervision.

¶23 Therefore, in this case, the district court's sentence is permissible under *Allman*, even though Snedeker had already served four years of prison, because the new sentence does not combine prison and probation and is within the parameters of the court's sentencing discretion.[7] Accordingly, we conclude it was permissible for the district court to resentence Snedeker to twenty years of probation with credit of four years for time served in the Fraud Case.

C. Courts May Concurrently Sentence a Defendant to Imprisonment in One Case and Probation in Another

¶24 We must next determine, when a defendant is resentenced in multiple cases at the same hearing, whether it violates *Allman* for the court to impose prison in one case concurrently with probation in another. We begin with the plain language of the statutes that govern probation and sentencing, respectively. We then consider whether *Allman*'s rationale, which involved a single multi-count case, extends to multiple cases at a global hearing. Finally, we assess the practical consequences when a defendant is sentenced in two separate cases. We conclude that it does not violate *Allman* for a court to sentence a defendant to imprisonment in one case and probation in a separate case.

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[7] We acknowledge the concern that resentencing in this case "could either provide a windfall for [Snedeker] or penalize [him] for contesting an illegal sentence." *Snedeker*, ¶ 12, 535 P.3d at 131. However, we agree with the court of appeals that the district court appropriately addressed this concern by crediting Snedeker's four years of time served toward his new probation sentence. *Id.*

¶25 Section 18-1.3-202(1)(a), the probation statute, explains that courts should conduct a "best interest" inquiry when determining whether probation is an appropriate sentence:

> When it appears to the satisfaction of the court that the ends of justice and the best interest of the public, as well as the defendant, will be served thereby, the court may grant the defendant probation for such period and upon such terms and conditions as it deems best.

Next, section 18-1.3-203(1), C.R.S. (2024), instructs courts to consider "the nature and circumstances of the offense" and "the history and character of the defendant" when deciding whether to impose a sentence of prison or probation. Nowhere do these statutes restrict a court's sentencing options across multiple cases. Further, courts must be able to consider the circumstances of individual cases to decide appropriate sentences in each case, independent of a defendant's other cases. Snedeker's preferred rule, which would prevent courts from imposing concurrent probation and prison sentences in different cases, would significantly constrict courts' discretion. Courts evaluating multiple cases with the same defendant would not be able to order a sentence based purely on "the nature and circumstances" of the offense in each case. *Id.* Constraining a court's discretion to impose a sentence in one case based on a sentence imposed in a separate case with distinct facts could result in disproportionate and illogical sentencing outcomes. This is problematic because each case still requires an appropriate sentence based on the facts and circumstances therein. *See Delgado*, 105 P.3d at 637. Thus, section

18-1.3-202(1)(a) allows for concurrent sentences of imprisonment and probation *in separate cases*.

¶26 Snedeker nevertheless cites *Allman*'s language that the "legislature did not intend to allow a court to sentence a defendant to both probation and imprisonment" because it "could not have intended for defendants to be simultaneously subject to two separate branches of government during their post-incarceration supervision." ¶ 39, 451 P.3d at 834–35. We recognize that our holding today implicates such a scenario because a defendant who is sentenced to prison in one case and probation in another could end up simultaneously on parole (executive branch supervision) and probation (judicial branch supervision). Obviously, this is problematic. However, dual supervision was only part of *Allman*'s reasoning; it was not dual supervision alone, but the "collective force" of *Allman*'s considerations, that guided our interpretation of legislative intent. *People v. Manaois*, 2021 CO 49, ¶ 30, 488 P.3d 1099, 1107 (citing *Allman*, ¶ 28, 451 P.3d at 833). Additionally, the other considerations in *Allman* (discussed above) are not present in Snedeker's situation. Thus, despite this dual-supervision concern, we conclude that the need for courts to exercise independent judgment in separate cases, where distinct conduct is at issue, is overpowering.

¶27 Further, there are many practical considerations that require allowing distinct sentences in separate cases. For instance, in a single multi-count case, the

offenses are related, and it makes sense for the sentencing court to impose a single sentence (either imprisonment or probation) that considers all offenses. However, in two separate cases, the offenses could be quite different, and a court could reasonably reach two different sentencing determinations. For example, a court may deem probation appropriate in one case because the defendant's conduct did not cause "serious harm" but deem imprisonment proper in a separate case in which the defendant *did* cause such harm. *See* § 18-1.3-203(2)(a). Thus, a court must be able to make an appropriate decision in the case before it without being bound by another court's sentencing determination in another case. This concern supports interpreting *Allman* as a single-case prohibition of prison and probation that does not apply in a multi-case scenario.

¶28 For these reasons, we conclude that the district court's resentencing of Snedeker was permissible and did not run afoul of *Allman*.

III. Conclusion

¶29 For the reasons explained above, we affirm the court of appeals' judgment in the Fraud Case and the district court's resentencing in the Theft Case.