

SUPREME COURT, STATE OF COLORADO

2 East 14th Avenue  
Denver, CO 80203

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Certiorari to the Court of Appeals, 11CA1932  
District Court, City and County of Denver, 04CR3018

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**PETITIONER:**

ALEJANDRO ESTRADA-HUERTA

**RESPONDENT:**

PEOPLE OF THE STATE OF COLORADO

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Case No. 14SC127

**SUPPLEMENTAL BRIEF**

## CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this supplemental brief complies with all applicable requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

1. C.A.R. 28(g) does not apply to this supplemental brief.
2. C.A.R. 28(a)(7)(A) does not apply to this supplemental brief. For each issue raised, the opening brief contains under a separate heading before the discussion of the issue a concise statement: (1) of the applicable standard of appellate review with citation to authority; and (2) whether the issue was preserved, and, if preserved, the precise location in the record where the issue was raised and where the court ruled, not to an entire document.

The undersigned acknowledges that this supplemental brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

s/ Tara Jorfald

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## ARGUMENT

On June 10, 2016, the governor signed SB 16-180 and SB 16-181. On June 23, 2016, this court ordered that a supplemental brief on the impact of these bills may be filed.

The two senate bills, now signed into law, provide relief to juvenile offenders currently serving lengthy sentences. *See* § 17-34-101, C.R.S. (2016) (SB 16-180); § 18-1.3-401(4)(b)(I),(4)(c), C.R.S. (2016) (SB 16-181).

### **SB 16-181 does not provide relief to Mr. Estrada-Huerta.**

Senate Bill 181 applies to juvenile homicide offenders. *See* § 18-1.3-401(4)(b)(I),(4)(c). Mr. Estrada-Huerta has not committed a homicide offense. The statute therefore does not apply to him.

### **SB 16-180 recognizes that juvenile offenders are entitled to a meaningful opportunity of release based on maturity and rehabilitation, but does not provide Mr. Estrada-Huerta such relief.**

Senate Bill 16-180 recognizes that the Eighth Amendment requires that juvenile offenders should be given a meaningful opportunity for release based on demonstrated maturity and rehabilitation. Laws 2016, S.B. 180, § 1(1)(a). The bill “implement[s] a system that allows *any* offender who committed a serious crime as a juvenile, was treated as an adult by the criminal justice system, and has served

more than twenty or twenty-five calendar years of a sentence to the department of corrections, during which he or she has exhibited growth and rehabilitation, the opportunity to further demonstrate rehabilitation and earn early release in a specialized program ...” Laws 2016, S.B. 180, § 1(2) (emphasis added.)

Despite, the legislature’s intention of providing all juvenile offenders with a meaningful opportunity of release based on maturity and rehabilitation, the program excludes all juvenile offenders convicted of unlawful sexual behavior. § 17-34-101(1)(a)(I)(B). Mr. Estrada was convicted of sex assault and is therefore not eligible for the program. (Vol. 1, p. 137 and Vol. 9, pp. 45:22-47:1); *Id.*

The purpose of the new program is to specifically provide an opportunity for release based on demonstration of rehabilitation. Laws 2016, S.B. 16, § 1(2). Mr. Estrada-Huerta does not have the same opportunity to obtain release based on demonstration of rehabilitation through the adult parole system. (See Colorado Criminal Defense Bar’s Amicus Brief, pp. 16-17.)

To sum, the statute recognizes that juvenile offenders are entitled to a meaningful opportunity of release based on maturity and rehabilitation, but does not provide Mr. Estrada with such an opportunity. Accordingly, the signing of SB 180 and SB 181 into law does not moot the issue before the court in this case.

**CONCLUSION**

WHEREFORE, Petitioner Alejandro Estrada-Huerta respectfully requests that the court vacate his sentence of forty years to life and to remand this case for resentencing in compliance with *Graham v. Florida* and *Miller v. Alabama*.

Respectfully submitted,  
THE NOBLE LAW FIRM, LLC

s/ Tara Jorfald

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of July 2016, this **SUPPLEMENTAL BRIEF** was served via ICCES on Assistant Attorney General Joseph Michaels.

s/ Tara Jorfald