COLORADO COURT OF APPEALS

DATE FILED: March 7, 2024
CASE NUMBER: 2022CA2254

Court of Appeals No. 22CA2254
City and County of Denver District Court No. 13CV32857
Honorable David H. Goldberg, Judge

State of Colorado, ex rel. Philip J. Weiser, Attorney General,

Plaintiff-Appellee,

v.

Adam Cole Shryock,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE SCHUTZ
Fox and Moultrie, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced March 7, 2024

Philip J. Weiser, Attorney General, Brady J. Grassmeyer, Senior Assistant Attorney General, Denver, Colorado, for Plaintiff-Appellee

Brownstone P.A., George Thomas, Winter Park, Florida, for Defendant-Appellant

¶ 1 Defendant, Adam Cole Shryock, appeals his contempt conviction and resulting jail sentence for violating an injunction. We affirm the judgment.

I. Background and Procedural History

¶ 2 This case has a lengthy and convoluted procedural history. A brief summary of that history is necessary to understand the procedural and substantive issues before us.

A. The 2014 Court Trial and Resulting Injunction

¶ 3 Shryock was the sole owner and operator of Boobies Rock!, Inc. (BR) and Say No 2 Cancer (SN2C). BR was incorporated as a for-profit corporation. SN2C started doing business around 2011 and represented itself as a nonprofit entity but was not registered as such until 2013.

¶ 4 BR sold t-shirts, bracelets, and accessories to customers and claimed that the proceeds went to cancer-related charities. BR hosted fundraisers and hired promotional models to approach potential customers and solicit cash donations. The models were instructed to represent that between 40-90% of BR's revenue went to charity. After the fundraisers, the promotional models remitted the proceeds to a promotions manager; then the manager paid them

from the proceeds and deposited the remaining funds into BR's account.

¶ 5 In 2013 the Colorado Attorney General's office brought an action pursuant to the Colorado Charitable Solicitations Act (CCSA) and the Colorado Consumer Protection Act to enjoin Shryock, BR, and SN2C from engaging in deceptive trade practices. In 2014, after a three-day trial, a jury found Shryock liable for engaging in deceptive trade practices and committing charitable fraud as it relates to BR and SN2C.[1]

¶ 6 In March 2015, the trial court entered a permanent injunction that prohibited Shryock from engaging in activities related to operating, organizing, or soliciting charitable donations. Specifically, it prohibited Shryock from

> a. Engaging in or conducting any "charitable sales promotion," as that term is defined in the CSA, Colo. Rev. Stat. § 6-16-103(3);

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[1] While the case related to Shryock's conduct with respect to BR and SN2C was pending, the State brought two different contempt citations against him for violating a temporary restraining order and subsequent stipulated temporary injunction that were in place until the matter's resolution. Shryock challenges neither the citations nor the subsequent convictions and sentences on those two contempt citations.

b. Making any charitable solicitations on behalf of any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);

c. Establishing, directing, facilitating, overseeing, funding, consulting on or otherwise engaging in any managerial or oversight activities relating to solicitation on behalf of, or in concert with, any charitable organization;

d. Overseeing the collection or disbursement of funds by any organization which engages in solicitation on behalf of, or in concert with, any charitable organization;

e. Advertising, promoting, soliciting for employees or hiring on behalf of any organization which engages in solicitation on behalf of, or in concert with, any charitable organization;

f. Operating, forming, founding, or establishing any charitable organization;

g. Benefiting financially, either directly or indirectly, from any relationship with any organization which engages in solicitation on behalf of, or in concert with, any charitable organization, including, but not limited to, accepting compensation for providing or facilitating the purchase of merchandise;

h. Acting as a director, officer, trustee, compensated employee, or professional fundraising consultant of any charitable organization;

i. Directing, facilitating, overseeing, funding, consulting on or otherwise engaging in any managerial or oversight activities for

> any charitable organization including, but not limited to, having involvement in the collection or disbursement of funds;
>
> j. Recruiting directors for the governing board of a charitable organization;
>
> k. Overseeing the operational finances of any charitable organization; and
>
> l. Benefiting financially, either directly or indirectly, from any relationship with any charitable organization

¶ 7 On May 15, 2015, Shryock timely appealed the judgment and related injunction; however, the appeal was dismissed because Shryock failed to file the record on appeal. *See State ex rel. Suthers v. Shryock*, (Colo App. No 15CA0762, filed May 5, 2015).

B. The 2018 Contempt Proceedings

¶ 8 Despite the permanent injunction entered against him, in 2015 and 2016 Shryock collaborated with Boozie Brand, LLC and Gateways of Hope (Gateways) to work on promotional tours at sporting events, such as tailgating parties, where they sold merchandise and alcohol. Like BR, the marketed merchandise included koozies, bracelets, and apparel. Gateways' website's phone number and address were the same as Shryock's.

¶ 9 Shryock helped create Gateways' website, hired promotional models, helped draft contracts for the sales team, and provided promotional models with sales pitches for the merchandise and alcohol. Gateways' website claimed that it hosted an annual sales competition in which team members worked on projects and earned bonuses based on monthly sales.

¶ 10 The promotional models were instructed to tell customers that they were a part of a nationwide competition that helped female entrepreneurs start businesses. A witness who purchased merchandise testified that he thought that he may be able to write off a koozie purchase as a donation based on the pitch from the promotional models. He also recalled hearing the models use the word "donation" as part of their pitch.

¶ 11 In September 2016, a Boozie Brand promotional representative notified the State about the tours after learning about Shryock's past. The State investigated the claims for approximately nineteen months.

¶ 12 In April 2018 the State issued a contempt citation to Shryock for violating the permanent injunction. The trial court advised Shryock concerning the contempt citation and his rights. Shryock

later appeared with counsel to address the citation and moved forward with a jury trial.

¶ 13 The day before the trial, Shryock filed a motion to dismiss, in part, based on an assertion that the 2015 permanent injunction violated his First Amendment rights. Following a three-day trial, a jury found Shryock guilty of contempt for violating the injunction. The court subsequently denied Shryock's motion to dismiss, concluding that the 2015 injunction did not violate Shryock's constitutional rights.

¶ 14 Shryock failed to appear at sentencing and was not located for nearly three years. In November 2022, while Shryock was serving a sentence on federal charges, the court sentenced him to two years in county jail. The trial court ordered Shryock to serve the jail sentence consecutively to the federal sentence.

II. Shryock's Challenge to the 2015 Injunction

¶ 15 Shryock argues that the 2015 permanent injunction violates his constitutional rights under the First Amendment by acting as a prior restraint on his speech. However, because his appeal of the permanent injunction is untimely, we do not have jurisdiction to address this contention.

¶ 16 Subject to exceptions not applicable here, if a notice of appeal is not timely filed, the court of appeals lacks jurisdiction to hear the appeal. *People v. Baker*, 104 P.3d 893, 895 (Colo. 2005). And if a timely appeal is not taken or the appeal is subsequently abandoned, the trial court's judgment becomes final and is not subject to collateral attack in subsequent proceedings. *In re Marriage of Turek*, 817 P.2d 615, 616 (Colo. App. 1991).

¶ 17 Shryock's effort to dispute the 2015 injunction's substance is such a collateral attack. That judgment became final after the 2015 appeal was dismissed. Thus, Shryock is foreclosed from attacking the injunction in this case, and we decline to further address his belated contention that the injunction was unconstitutional.

III. Timeliness of the 2018 Contempt Citation

¶ 18 Shryock argues that 2018 contempt citation was time barred. He asserts we should apply civil statutes of limitation and argues that the 2018 contempt citation was time barred by the applicable civil statute. We disagree.

A. Additional Facts

¶ 19 The State filed the contested contempt citation in March 2018. The citation concerned activity that occurred between 2015 and

2016, including two promotional tours, representations on Gateways' website about the entity's nature, and Shryock's alleged involvement in preparing the sales pitches that Gateways and Boozie Brands representatives gave to potential customers and donors. The State investigated Shryock's conduct after an employee noticed similarities between his prior deceptive trade practices and his current conduct and reported him to the State. The investigation ended after approximately nineteen months. Shortly thereafter, the trial court issued the third contempt citation.

B. Standard of Review and Applicable Law

¶ 20 We review questions of statutory interpretation de novo. *People v. Weeks*, 2021 CO 75, ¶ 24. In construing a statute, we aim to effectuate the General Assembly's intent. *Id.* at ¶ 25. We also review de novo questions regarding the application and interpretation of procedural rules. *Boudette v. State*, 2018 COA 109, ¶ 20.

¶ 21 The parties agree that Shryock's statute of limitations claim is unpreserved; therefore we apply the plain error standard. *Hagos v. People*, 2012 CO 63, ¶ 22. We reverse under the plain error standard only if the error so undermines the fundamental fairness

of the trial itself as to cast serious doubt on the reliability of the conviction. *Id.*

¶ 22 Generally, statutes of limitation and the related equitable doctrine of laches are affirmative defenses. *See, e.g.*, *Giron v. Koktavy*, 124 P.3d 821, 824 (Colo App. 2005) (statute of limitations); *Robbins v. People*, 107 P.3d 384, 388 (Colo. 2005) (laches). But as to criminal proceedings, statutes of limitation are jurisdictional, and therefore may be raised by any party at any time. *See, e.g.*, *People v. Ware*, 39 P.3d 1277, 1279 (Colo. App. 2001).

1. C.R.C.P. Rule 107

¶ 23 Contempt proceedings are governed by C.R.C.P. 107. *In re Parental Responsibilities Concerning A.C.B.*, 2022 COA 3, ¶ 17. The version of the rule in effect until 1995 recognized two types of contempt: criminal and civil. *Id.* Generally, criminal contempt and civil contempt were differentiated by the purpose of the proceeding and type of sanctions requested. *Id.*

¶ 24 "Criminal contempt was punitive in nature and carried an unavoidable, determinative sanction, crafted to punish the contemnor, and vindicate the court's dignity." *Id.* at ¶ 18 (citing *People v. Razatos*, 699 P.2d 970, 974 (Colo. 1985)). In contrast,

civil contempt was remedial in nature and carried a sanction tailored to coerce compliance with the court's order, which the contemnor could purge by taking an action within their power and ability to perform. *Id.* at ¶¶ 18-19.

¶ 25 Rule 107 was rewritten in 1995. Under the revised rule, there are two types of contempt, direct and indirect, and two types of sanction, remedial and punitive. *Id.* at ¶ 21. Direct contempt involves conduct that occurs in the presence of the judge. Indirect contempt occurs when a party violates a court order outside the presence of the judge. *Id.* at ¶ 22.

¶ 26 A contempt citation that contemplates punitive sanctions — whether for direct or indirect contempt — is criminal in nature. *Id.* at ¶ 23. Rule 107(d)(1) addresses the procedural requirements in a punitive contempt action:

> At the first appearance, the person shall be advised of the right to be represented by an attorney and, if indigent and if a jail sentence is contemplated, the court will appoint counsel. The maximum jail sentence shall not exceed six months unless the person has been advised of the right to a jury trial. The person shall also be advised of the right to plead either guilty or not guilty to the charges, the presumption of innocence, the right to require proof of the charge beyond a reasonable doubt,

> the right to present witnesses and evidence, the right to cross-examine all adverse witnesses, the right to have subpoenas issued to compel attendance of witnesses at trial, the right to remain silent, the right to testify at trial, and the right to appeal any adverse decision.

C.R.C.P. 107(d)(1).

¶ 27 The record reflects that the trial court advised Shryock of his rights under Rule 107. Specifically, the minute order from July 25, 2018, states as follows: "Court reads punitive contempt advisement to [Shryock]. [Shryock] pleads not guilty." Shryock also acknowledged receiving the written advisement. The court subsequently appointed counsel to represent Shryock in the contempt proceedings. The State and Shryock's counsel thereafter filed a stipulated case scheduling order, which confirmed that the case was set for a jury trial.

¶ 28 After the trial, the court sentenced Shryock to a total of two years in jail for violating the injunction terms, conduct which occurred outside the court's presence. Thus, the contempt charge constituted indirect contempt subject to punitive sanctions. The contempt charge was therefore criminal in nature.

2. Laches

¶ 29 Laches is an equitable doctrine that a defendant may assert to deny relief to a party whose unconscionable delay in enforcing their rights has prejudiced the defendant. *Robbins*, 107 P.3d at 388. Laches is an affirmative defense that may apply in contempt actions. *See Hauck v. Schuck*, 143 Colo. 324, 327, 353 P.2d 79, 81 (1960). To establish laches, a defendant has the burden to prove (1) full knowledge of the facts by the party against whom the defense is asserted; (2) the party's unreasonable delay in asserting an available remedy; and (3) intervening reliance by and prejudice to the party asserting the defense. *In re Marriage of Johnson*, 2016 CO 67, ¶ 16 (citing *Hickerson v. Vessels*, 2014 CO 2, ¶ 12).

C. Application

¶ 30 Shryock acknowledges that C.R.C.P. 107 does not include a statute of limitations. In the absence of a statute of limitations, Shryock argues we should apply either the one-year or two-year civil statute of limitations. *See* § 13-80-102(1)(i), C.R.S. 2023 (establishing a two-year period of limitations for civil actions "of every kind for which no other period of limitation is provided"); § 13-80-103, C.R.S. 2023 (establishing a one-year period of limitations for various intentional torts).

¶ 31 Though urging us to apply a civil statute of limitations, Shryock switches hats when addressing the waiver issue. To avoid waiver of this affirmative defense, he argues that we should apply criminal law to this criminal contempt action, thereby permitting him to raise the statute of limitations for the first time on appeal.

¶ 32 The State argues that punitive contempt is a criminal action, not a civil action, and therefore the statute of limitations for civil actions cannot be applied to punitive contempt. Moreover, the People argue that contempt is a unique charge established by the judiciary to ensure the integrity and dignity of judicial proceedings. Because contempt is created and administered solely by the judiciary, the State argues that it would be improper to import a legislatively created statute of limitations to a punitive contempt action. *See, e.g.*, *People v. Barron*, 677 P.2d 1370, 1372 (Colo. 1984) ("The power to punish for criminal contempt is an inherent and indispensable power of the court and exists independently of legislative authorization.").

¶ 33 Even if we assume, for the sake of argument, that Shryock did not waive the statute of limitations defense, we see no rational basis for applying a civil statute of limitations to a criminal contempt

charge. *Cf. Porter v. Commonwealth*, 778 S.E.2d 549, 554 (Va. Ct. App. 2015) (declining to apply a misdemeanor statute of limitations to a contempt charge); *In re Hrnicek*, 792 N.W.2d 143, 147 (Neb. 2010) ("[A] court's exercise of its contempt powers [is] not . . . subject to any statute of limitations."); *City of Rockford v. Suski*, 718 N.E.2d 269, 276 (Ill. App. Ct. 1999) ("[T]here is no statute of limitations applicable to contempt proceedings.").

¶ 34 Shryock failed to cite any controlling authority that has applied a civil statute of limitations to a criminal contempt action. Therefore, we cannot conclude that the trial court erred, much less plainly erred, by failing to sua sponte conclude that the criminal contempt proceeding was barred by either section 13-80-102 or section 13-80-103.

¶ 35 The State also contends that the doctrine of laches does not apply here. We agree. For laches to apply, Shryock was required to prove that (1) the State had full knowledge of the facts later asserted against Shryock; (2) the State unreasonably delayed its assertion of an available remedy; and (3) Shryock relied on and was prejudiced by the State's unreasonable delay. *See Johnson*, ¶ 16.

¶ 36 As it relates to the first factor, Shryock alludes to the fact that he may have asked his probation officer at some point whether his participation with Gateways violated his probation. He also claims that he, or persons on his behalf, conferred with unnamed parties who worked for the State and that those conferrals put the State on notice of his behaviors. Despite Shryock's counsel's assertions, there is nothing in the record to support these alleged statements.

¶ 37 We conclude that the bare allegations concerning unnamed parties do not support Shryock's laches contention. *See, e.g.*, *People v. Relaford*, 2016 COA 99, ¶ 70 n.2 ("We do not consider bare or conclusory assertions presented without argument or development."). Moreover, the officer who supervised Shryock's probation sentence was an employee of the judicial department, not the executive branch. Thus, any knowledge that the probation officer had could not be attributed to the Attorney General.

¶ 38 As it relates to the second factor, we agree with the State that the 2018 contempt citation was timely. The conduct that gave rise to the citation occurred between 2015 and early 2016. The State investigated the matter in September 2016, after a Boozie Brand employee alerted the State to Shryock's involvement with the

organization. The action was brought in March 2018. Thus, we conclude that the time between the commencement of the investigation and the subsequent contempt action does not demonstrate undue delay. *See Caldwell v. Dist. Ct.*, 644 P.2d 26, 30 (Colo. 1982) (a ten-month delay between the denial of a motion to compel discovery and a petition is not presumptively unreasonable within the meaning of a laches defense).

¶ 39 Finally, there is no record support that Shryock reasonably relied on the delay, or that it detrimentally impacted his defense of the contempt citation. Accordingly, we conclude the trial court did not err, much less plainly err, by failing to dismiss the contempt action based on the doctrine of laches.

IV. Ineffective Assistance of Counsel

¶ 40 Shryock contends that trial counsel's performance during the 2018 jury trial was deficient and that he was prejudiced thereby. We decline to address this contention.

A. Standard of Review and Applicable Law

¶ 41 To prevail on an ineffective assistance of counsel claim, a defendant must prove counsel's performance was deficient and that counsel's deficiency created prejudice. *Strickland v. Washington*,

466 U.S. 668, 687 (1984). To establish deficient performance, a defendant must offer facts that, if proved, would support the conclusion that counsel's performance fell outside the wide range of professionally competent representation. *Id.* at 690. Both prongs of the ineffectiveness inquiry present mixed questions of law and fact. *Dunlap v. People*, 173 P.3d 1054, 1063 (Colo. 2007).

¶ 42 Generally, in criminal cases, a claim of ineffective assistance of counsel may not be raised on direct appeal. *See People v. Versteeg*, 165 P.3d 760, 769 (Colo. App. 2006) ("[I]neffective assistance claims should not be raised for the first time on direct appeal." (citing *Ardolino v. People*, 69 P.3d 73, 77 (Colo. 2003))). Absent extraordinary circumstances not present here, the question of whether trial counsel performed ineffectively, and whether any such deficiencies affected the case's outcome, depends upon facts that are not reflected in the record from a trial on the merits of the criminal charges. *Ardolino*, 69 P.3d at 77. This is because there is usually an insufficient factual record for the appellate court to decide the issue on direct appeal. *People in Interest of Uwayezuk*, 2023 COA 69, ¶ 21.

B. Application

¶ 43 Shryock contends that trial counsel's performance fell below the *Strickland* standard because she failed to review and present exculpatory evidence, such as phone calls and relevant interviews, and failed to adequately inform Shryock that he could face more than six months of jail time if he pursued a jury trial.

¶ 44 The State argues that Shryock cannot meet his *Strickland* burden because the contested recordings are not included in the record, and he does not establish how these alleged recordings would have changed the trial's outcome. Additionally, the State notes that Shryock has failed to support his claim that trial counsel failed to advise him that he could face a sentence longer than six months if he consented to a jury trial.

¶ 45 With respect to the first proposition, the disputed recordings were never provided to the trial court. The trial court is the more appropriate fact finder for an ineffective assistance of counsel claim. *See Ardolino*, 69 P.3d at 77. We do not have the disputed recordings before us for review because they are not part of the record, and we do not have the benefit of factual findings by the trial court. These concerns animate the general prohibition against pursuing ineffective assistance of counsel claims on direct appeal.

¶ 46 With respect to the second contention, we again lack a developed factual record concerning the adequacy of the advisement trial counsel gave Shryock. In addition to the absence of a supporting record, Shryock's allegations concerning counsel's purported failure to advise him of the consequences of a jury trial is predicated on a false legal premise. Rule 107(d)(1) provides that a sentence in excess of six months in jail may not be imposed unless the defendant "has been advised of the right to a jury trial." In this case, the defendant obviously was aware of his right to a jury trial and the case was in fact tried to a jury. Thus, it was not the scheduling of a jury trial that triggered a potential sentence of more than six months in jail; rather, such a sentence was authorized once Shryock was advised of his right to a jury trial. C.R.C.P. 107(d)(1).

¶ 47 For these reasons, we decline to address the merits of Shryock's ineffective assistance claim. We do so, however, without prejudice to Shryock's right to file an ineffective assistance of counsel claim in accordance with, and subject to, the substantive and procedural limitations of Crim. P. 35(c).

V. Sufficiency of the Evidence

¶ 48 Though not expressly stated as one of the issues asserted on appeal, at various points in his briefs Shryock raises a sufficiency of the evidence claim. Because it is adequately developed, we choose to review the claim.

A. Additional Facts

¶ 49 During the three-day trial, the jury heard testimony from Shryock, Rachel Marlow (Shryock's girlfriend and Boozie Brand owner), investigators from the Attorney General's office, and a Boozie Brand customer who testified that he was under the impression that he was donating to a charity. The jury was also presented with emails, website screenshots, and correspondence from Shryock's tenure at Gateways. The jury found Shryock guilty of contempt for violating ten out of twelve of the injunction's provisions.

B. Standard of Review

¶ 50 We review a sufficiency of the evidence claim de novo, evaluating "whether the relevant evidence, both direct and circumstantial, when viewed as a whole and in the light most favorable to the prosecution, is substantial and sufficient to support

a conclusion by a reasonable mind that the defendant is guilty of the charge beyond a reasonable doubt." *People v. Donald*, 2020 CO 24, ¶ 18 (quoting *Clark v. People*, 232 P.3d 1287, 1291 (Colo. 2010)). Our analysis is guided by four well-established principles. First, we give the prosecution the benefit of all reasonable inferences that might fairly be drawn from the evidence. *Id.* at ¶ 19. Second, we defer to the jury's resolution of the credibility of witnesses. *Butler v. People*, 2019 CO 87, ¶ 20. Third, we may not serve as a thirteenth juror by weighing various pieces of evidence or resolving conflicts in the evidence. Id. Fourth, a conviction cannot be based on guessing, speculation, conjecture, or a mere modicum of relevant evidence. *Donald*, ¶ 19.

C. Applicable Law

¶ 51 The CCSA defines a charitable organization as

> any person who is or holds [themselves] out to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, . . . civic, or other eleemosynary purpose . . . , or any person who in any manner employs a charitable appeal or an appeal which suggests that there is a charitable purpose as the basis for any solicitation.

§ 6-16-103(1), C.R.S. 2023.

¶ 52 A charitable sales promotion is "an advertising or sales campaign which is conducted by a commercial coventurer and which represents that the purchase or use of goods or services offered by the commercial coventurer will benefit, in whole or in part, a charitable organization or purpose." § 6-16-103(3).

D. Application

¶ 53 Shryock challenges the sufficiency of the evidence as it relates to whether the jury could reasonably conclude that he willfully defied the injunction through his involvement with Gateways. He asserts that he attempted to comply with the injunction prior to the tours and that Gateways was classified as a commercial endeavor and represented itself as such.

¶ 54 The State argues there was adequate evidence in the trial record for the jury to conclude that Shryock intentionally defied the injunction through his involvement with Gateways. We agree.

¶ 55 The trial court properly instructed the jury that the State had the burden to prove beyond a reasonable doubt that Shryock was guilty of contempt. The jury was also properly instructed about the meanings of charitable organization and a charitable solicitation. Shryock does not contest the adequacy of these instructions.

Therefore, the question is whether there was sufficient evidence for the jury to conclude beyond a reasonable doubt whether Shryock's interactions with Gateways violated the injunction.

¶ 56 The jury could have reasonably found Shryock guilty based on the following evidence:

- testimony from Shryock that he started Gateways, in part, because of his strong interest in social justice issues, particularly providing opportunities for incarcerated people;
- testimony from a witness solicited by Gateways stating that the information presented to him made it seem like a charity and that he thought he was making a donation and could claim his contribution as a tax deduction;
- transcribed phone calls between Shryock and Marlow in which they discuss promotional tour logistics in depth, including the promotional models' attire and sales techniques;
- the similarities between the merchandising and sales pitches for Gateways and BR; and

- testimony from a State investigator that described investigation techniques such as forensic accounting used for BR's and Gateways' bank accounts and explanations about how BR's and Gateways' finances interacted.

¶ 57 Viewing the evidence in the light most favorable to the State, we conclude that a reasonable jury could find beyond a reasonable doubt that Shryock violated the injunction and was guilty of contempt by engaging in charitable activities or soliciting charitable donations. Therefore, we reject Shryock's contention that there was insufficient evidence to support the jury's verdict.

VI. Disposition

¶ 58 The judgment and sentence are affirmed. For the reasons stated, we decline to address Shryock's ineffective assistance of counsel claim.

JUDGE FOX and JUDGE MOULTRIE concur.

Court of Appeals

STATE OF COLORADO
2 East 14th Avenue
Denver, CO 80203
(720) 625-5150

PAULINE BROCK
CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Gilbert M. Román,
Chief Judge

DATED: January 6, 2022

Notice to self-represented parties**: The Colorado Bar Association provides free volunteer attorneys in a small number of appellate cases. If you are representing yourself and meet the CBA low income qualifications, you may apply to the CBA to see if your case may be chosen for a free lawyer. Self-represented parties who are interested should visit the Appellate Pro Bono Program page at* ***http://www.cobar.org/appellate-pro-bono

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED October 14, 2024 CASE NUMBER: 2024SC355
Certiorari to the Court of Appeals, 2022CA2254 District Court, City and County of Denver, 2013CV32857	
Petitioner: Adam Cole Shryock, **v.** **Respondent:** State of Colorado, ex rel. Philip J. Weiser, Attorney General.	Supreme Court Case No: 2024SC355
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, OCTOBER 14, 2024.
JUSTICE BERKENKOTTER does not participate.