

The Supreme Court - April 19, 2017

The Supreme Court of the United States issued decisions in two cases today:

Nelson v. Colorado, No. 15-1256: In two separate cases from Colorado State Court, petitioners Shannon Nelson and Louis Alonzo Madden were convicted of sexual assault-related crimes, and were ordered to pay costs, fees, and restitution in addition to their prison sentences. Both had paid some portion of the amounts owed to the State when their convictions were invalidated, and both then moved for return of those funds. The Colorado Court of Appeals found that both Nelson and Madden were entitled to seek full refunds, but the Colorado Supreme Court reversed, holding that Colorado's Compensation for Certain Exonerated Persons statute exclusively governed the process for defendants to seek such refunds, and both had failed to file under that Act. Today, the Court reversed, holding that the Colorado scheme offends the Fourteenth Amendment's guarantee of due process, which requires that when a criminal conviction is invalidated by a reviewing court and no retrial will occur, the State is obliged to refund fees, court costs, and restitution exacted by the defendant upon, and as a consequence of, the conviction.

The Court's decision is available [here](#).

Manrique v. United States, No. 15-7250: Petitioner Marcelo Manrique pleaded guilty to possessing a visual depiction of a minor engaging in sexually explicit conduct, a federal offense that requires the District Court to order petitioner to make restitution to the victim. The District Court entered an initial judgment sentencing Manrique to imprisonment, and deferred determination of restitution because the victims' damages had not yet been ascertained, stating that would be reflected in the future by way of an amended judgment. Manrique filed a notice of appeal from the initial judgment, but did not file a second notice of appeal when the District Court later amended the judgment to include restitution. When Manrique sought to challenge restitution on appeal, the Eleventh Circuit agreed with the Government that Manrique had forfeited that argument by failing to file a second notice of appeal. The Court today affirmed, holding that a single notice of appeal,

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filed between the initial judgment and the amended judgment, is insufficient to invoke appellate review of the later-determined restitution amount, at least where, as here, the Government objects to the defendant's failure to file a notice of appeal following the amended judgment.

The Court's decision is available [here](#).