

REDACTED CASE FILE

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PEOPLE OF THE STATE OF COLORADO

v.

PHILONENA PHILIMENEE

Case Number: 2025CR278 Div: 2 Courtroom: 2

ORDER DENYING THE PEOPLE'S MOTION TO

TRANSFER PHILONENA PHILIMENEE TO COUNTY JAIL

DATE FILED May 9, 2025 1:33 PM CASE NUMBER: 2025CR278

This matter comes before the Court on the People's Motion to Transfer Philomena Philimenee to County Jail [P-1]. A motion, response, and reply were filed and this matter was heard on April 21, 2025. The People were represented by ADA Vance Davis. Philomena Philimenee was present with her counsels, Kevin Chambers and Rachel Lanzen. Philomena Philimenee's court-appointed guardian ad litem was present in court. The Court, having considered the motion, any responses, argument at the hearing on April 21, 2025, the court record, and being otherwise fully apprised on the matter, finds and orders:

I. BACKGROUND

A. Philomena Philimenee's date of birth is March 15, 2007.

B. Philomena Philimenee turned eighteen years old on March 15, 2025.

C. Philomena Philimenee was adjudicated in Weld County case 25JD89 on October 25, 2024 and was committed for eighteen months in 25JD89 to Department of Youth Corrections (DYC). The date of commitment in the case 25JD89 was December 4, 2024.

Philomena Philimenee was seventeen years old at the time of her commitment to DYC.

D. Philomena Philimenee has two pending criminal cases in district court in Garfield County, cases 26CR32 (F4 Second Degree Assault causing Serious Bodily Injury) and 25JD208 (F1 First Degree Murder) (C.R.S. 19-2.5-801). Case 25CR206 was direct filed on October 30, 2024. Case 26CR32 was direct filed on January 22, 2025. Philomena Philimenee was 17 at the time charges were filed in district court on both cases.

E. Philomena Philimenee also has two pending juvenile cases in Garfield County: 24JD77 (revocation of deferred judgment on M2 Criminal Mischief) and 25JD24 (M1 Harassment).

F. The People filed a motion to transfer Philomena Philimenee from DYC to Mesa County jail on February 6, 2025 after she reached the age of majority.

G. Philomena Philimenee filed her objection to the transfer on February 6, 2025.

H. The People filed a reply to the motion on April 16, 2025.

I. A hearing on the motion was held on April 21, 2025. The Court took the argument under advisement. This written order follows.

II. ARGUMENTS

A. Philomena Philimenee objects to transfer to county jail, arguing that her juvenile sentence in DYC precludes transfer to county jail. Specifically, she argues that CRS 19-2.5-305 refers to "detained" defendants, and not those that are committed to DYS pursuant to a sentence in the juvenile court proceedings. Further, she argues she must complete her juvenile sentencing as the juvenile court had jurisdiction over her first in time.

B. The People, in response, cite *People v. Juvenile Court, City and County of Denver*, 915 P.2d 1274 (Colo.1996), noting that the Colorado Supreme Court expressly rejected those arguments. The People argue that the Court found a juvenile sentence does not

shield an offender from being transferred to an adult jail and that the juvenile sentence need not be exhausted prior to transfer. They also argue that District Courts have exclusive jurisdiction over criminal matters.

III. LEGAL STANDARD

A. There is a distinction in jurisdiction over non-criminal matters involving juveniles and criminal matters involving juveniles. The district court has exclusive jurisdiction over all criminal matters while juvenile courts have limited jurisdiction as granted by the legislative scheme. *People v. Juvenile Court* at 1276.

B. Pursuant to CRS 19-2.5-305(4)(g), a person who is eighteen years of age or older who is being detained for a delinquent act or criminal charge over which the juvenile court has jurisdiction, or for which charges are pending in district court pursuant to a direct filing or transfer, if the person has not already been transferred to the county jail, must be detained in the county jail in the same manner as if such person is charged as an adult.

IV. ANALYSIS

A. The Court acknowledges that CRS 19-2.5-305(4)(g) grants it authority to transfer Philomena Philimenee to county jail, now that she is 18. The question before the Court is whether it must transfer her or whether it retains discretion under the law.

B. The case law with analogous circumstances is limited. Only *People v. Juvenile Court, City and County of Denver*, 915 P.2d 1274, offers substantial guidance but has key factual distinctions and was decided under a prior version of the law.

C. That case primarily concerned jurisdictional conflict between the Denver juvenile and district courts. Unlike *Roybal*, the youth in that case, Philomena Philimenee is no longer a juvenile and there is no jurisdictional dispute here.

D. The statute does not explicitly address the circumstance where a defendant is already serving a juvenile sentence when new adult charges are filed. Therefore, the Court must weigh statutory interpretation, precedent, and public policy.

E. There has been no finding or allegation that Philomena Philimenee poses a risk warranting transfer to an adult facility.

F. The Court finds that transfer solely due to age, absent additional risk or other legal compulsion, undermines juvenile justice principles. Title 19 supports keeping juvenile and adult populations separate.

G. CRS 19-2.5-1118 allows a person over 18 to remain in DYC custody if adjudicated for conduct prior to age 18. The legislature anticipated this kind of overlapping status.

H. A motion to transfer Philomena Philimenee's adult case back to juvenile court remains pending. Should it be granted, that too would support continued DYC placement.

V. FINDINGS AND ORDER

A. Given the absence of risk findings, the ongoing juvenile commitment, and the pending reverse transfer motion, it is not in Philomena Philimenee's best interest to transfer her to county jail.

B. The Court finds it retains discretion and chooses to exercise that discretion to allow her to remain at DYC.

C. There is no demonstrated prejudice to the People from this continued placement.

D. The People's Motion to Transfer Philomena Philimenee to County Jail is DENIED.

E. Philomena Philimenee shall remain committed to DYC until further order of the Court.

SO ORDERED this 9th day of May, 2025,

BY THE COURT:

Kim S. Shropshire, District Court Judge