

# Nelson v. Colorado

***Nelson v. Colorado***, 581 U.S. \_\_\_\_ (2017), is a decision by the Supreme Court of the United States.<sup>[1]</sup> In a 7-1 decision written by Justice Ruth Bader Ginsburg, the Court held that a state had no right to keep fines and other money based on an invalid conviction.<sup>[2]</sup> Justice Samuel Alito wrote an opinion concurring in the judgment, Justice Clarence Thomas wrote a dissenting opinion, and Justice Neil Gorsuch did not take part in the consideration or decision of the case.<sup>[3]</sup>

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## Background

The case combined lawsuits by two petitioners: Shannon Nelson and Louis Madden. Nelson was convicted of child abuse and sentenced to 20 years to life, and assessed \$8,192 in various fees and restitution.<sup>[4]</sup> Madden was convicted of attempting to patronize a prostituted child and attempted sexual assault, and received an indeterminate sentence and had to pay \$4,413.<sup>[5]</sup> Both convictions were overturned on appeal and the petitioners were considered factually innocent.

Colorado's Exoneration Act<sup>[6]</sup> requires that a person who is exonerated after being convicted must petition a Colorado District Court for an order entitling them to receive compensation.

On January 9, 2017, oral arguments were heard, where Professor Stuart Banner appeared for the accused, and the Colorado Solicitor General appeared for that state.<sup>[7]</sup>

## Opinion of the Court

On April 19, 2017, the Supreme Court delivered judgment in favor of the accused, voting 7-1 to reverse and remand to the state court.<sup>[8]</sup> Justice Ruth Bader Ginsburg wrote the opinion of the Court, joined by Chief Justice John Roberts, Justice Kennedy Anthony Kennedy and Stephen Breyer, Sonia Sotomayor, and Elena Kagan.<sup>[9]</sup> This decision held that the part of the law regarding "any fine, penalty, court costs, or restitution imposed

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| Argued January 9, 2017<br>Decided April 19, 2017  |   |
| Full case name  | Shannon Nelson, Petitioner v. Colorado<br>Louis A. Madden, Petitioner v. Colorado   |
| Docket no.  | 15-1256 ( <a href="https://www.supremecourt.gov/search.aspx?FileName=/docketfiles/15-1256.htm">https://www.supremecourt.gov/search.aspx?FileName=/docketfiles/15-1256.htm</a> )             |
| Citations   | 581 U.S. ____ (more)<br>137 S. Ct. 1249;<br>197 L. Ed. 2d 611   |
| Argument  | Oral argument ( <a href="https://www.oyez.org/cases/2016/15-1256">https://www.oyez.org/cases/2016/15-1256</a> )   |
| Opinion announcement  | Opinion announcement ( <a href="https://www.supremecourt.gov/opinions/16pdf/15-1256_5i36.pdf">https://www.supremecourt.gov/opinions/16pdf/15-1256_5i36.pdf</a> )                            |
| Case history  |   |
| Prior   | <i>People v. Nelson</i> , 2013 COA 58, 369 P.3d 625;<br>reversed, 2015 CO 68, 362 P.3d 1070;<br><i>People v. Madden</i> , 2013 COA 56, 399 P.3d 706;<br>reversed, 2015 CO 69, 364 P.3d 866; |

upon and paid by the wrongfully convicted person" violated the Fourteenth Amendment's guarantee of due process.<sup>[2]</sup> The petitioners are entitled to prompt repayment of the money that they paid in regard to the wrongful conviction.

Justice Samuel Alito concurred only in the judgment.<sup>[9]</sup>

Justice Clarence Thomas dissented.<sup>[9]</sup>

References

1. *Nelson v. Colorado*, No. 15-1256 (<https://supreme.justia.com/cases/federal/us/581/15-1256/>), 581 U.S. \_\_\_\_ (2017).

2. "Jurist" (<http://www.jurist.org/paperchase/2017/04/supreme-court-rules-colorado-exoneration-act-violates-due-process.php>). *Jurist*. 19 April 2017. Retrieved 22 April 2017.

3. "SCOTUSblog" ([http://www.scotusblog.com/case-files/cases/nelson-v-colorado/?wpmp\\_switcher=desktop](http://www.scotusblog.com/case-files/cases/nelson-v-colorado/?wpmp_switcher=desktop)). 19 April 2017. Retrieved 22 April 2017.

4. "PETITION FOR A WRIT OF CERTIORARI" (<http://www.scotusblog.com/wp-content/uploads/2016/04/cert-petition-Nelson-v-Colorado.pdf>) (PDF). *SCOTUSblog*. SCOTUSblog. Retrieved 2 June 2017.

5. "Jurist". *Jurist*. 17 April 2017.

6. A Bill for an Act Concerning Compensation for Persons who are Exonerated of Their Crimes after a Period of Incarceration ([http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont/825B615B5119309187257A83006D046D?Open&file=1230\\_01.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont/825B615B5119309187257A83006D046D?Open&file=1230_01.pdf)), Colorado House Bill 13-1230 (2013).

7. "Nelson v. Colorado" (<https://www.oyez.org/cases/2016/15-1256>). *Oyez Project*. Retrieved 6 December 2017.

8. Liptak, Adam (20 April 2017). "States Can't Keep Criminal Fines of Exonerated, Supreme Court Rules" (<https://www.nytimes.com/2017/04/19/us/politics/supreme-court-colorado-law-fines-exonerated.html>). *The New York Times*. p. A16. Retrieved 6 December 2017.

9. *The Supreme Court, 2016 Term — Leading Cases* ([https://harvardlawreview.org/wp-content/uploads/2017/10/283-292\\_Online.pdf](https://harvardlawreview.org/wp-content/uploads/2017/10/283-292_Online.pdf)), 131 Harv. L. Rev. 283 (2017).

cert. granted, 137 S. Ct. 30 (2016).

**Holding**

The Colorado Exoneration Act's scheme does not comport with the Fourteenth Amendment's guarantee of due process

**Court membership**

**Chief Justice**  
John Roberts

**Associate Justices**  
Anthony Kennedy · Clarence Thomas  
Ruth Bader Ginsburg · Stephen Breyer  
Samuel Alito · Sonia Sotomayor  
Elena Kagan · Neil Gorsuch

**Case opinions**

**Majority**  
Ginsburg, joined by Roberts, Breyer, Sotomayor, Kagan, Kennedy

**Concurrence**  
Alito

**Dissent**  
Thomas

Gorsuch took no part in the consideration or decision of the case.

**Laws applied**  
U.S. Const. amend. XIV

External links

- Text of *Nelson v. Colorado*, 581 U.S. \_\_\_\_ (2017) is available from: Justia (<https://supreme.justia.com/cases/federal/us/581/15-1256/>) Oyez (oral argument audio) (<https://www.oyez.org/cases/2016/15-1256>) Supreme Court (slip opinion) ([https://www.supremecourt.gov/opinions/16pdf/15-1256\\_5i36.pdf](https://www.supremecourt.gov/opinions/16pdf/15-1256_5i36.pdf))

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