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| Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203 | DATE FILED February 18, 2026 CASE NUMBER: 2024CA1951 |
| Mesa County 2022CR371 | |
| Plaintiff-Appellee: The People of the State of Colorado, v. Defendant-Appellant: Tina Marie Peters. | Court of Appeals Case Number: 2024CA1951 |
| ORDER OF THE COURT | |

To: The Parties and the District Court

We have reviewed appellant Tina Peters’s petition for review of district court’s denial of bond pending appeal pursuant to C.A.R. 9(a) (the Petition) filed on January 30, 2026; the People’s response in opposition filed on February 6, 2026; and Peters’s reply filed on February 13, 2026. In the Petition, Peters seeks review of the district court’s October 3, 2024, denial of bond pending appeal pursuant to section 16-4-204, C.R.S. 2025.

As an initial matter we must satisfy ourselves that we have jurisdiction to adjudicate the Petition. *See People v. S.X.G.*, 2012 CO 5, ¶ 9. Specifically, we must determine whether we lack jurisdiction over the Petition given that more than 480 days have passed since the district court made the bond decision for which Peters now seeks review. **We conclude that we lack jurisdiction to decide the Petition.**

To begin, the deadline for seeking review of a district court’s decision granting or denying a defendant bond pending appeal is forty-nine days from the date the district court renders its decision. *People v. Jenkins*, 2025 COA 90, ¶ 5 (holding that “C.A.R. 4(b)[1]’s forty-nine-day deadline for seeking appellate review in a criminal case applies to an appeal of a trial court’s appeal bond decision under section 16-4-204”). Thus, the Petition is untimely by more than a year. A thirty-five-day extension may be granted under C.A.R. 4(b)(3) for “excusable neglect.” But even if Peters established excusable neglect, the additional thirty-five day period also expired long before Peters filed the Petition.

The last remaining basis for us to exercise jurisdiction over this Petition is for us to determine whether Peters has shown “good cause” for excusing the late filing of the Petition. *See People v. Baker*, 104 P.3d 893, 896 (Colo. 2005) (holding that C.A.R. 26(c) permits us to extend a filing deadline beyond eighty-four days for “good cause shown”). We conclude that Peters has failed to show that good cause exists to accept the late filing.

“Whether a party has shown good cause to permit the late filing of a notice of appeal ‘is entrusted to the sound discretion of the court of appeals.’” *Jenkins*, ¶ 7 (citing *Estep v. People*, 753 P.2d 1241, 1246-47 (Colo. 1988)). In determining whether good cause exists to accept a late petition for review of a trial court’s appeal bond decision, “we must assess the totality of the circumstances.” *Id.* at ¶ 21 (citing *Baker*, 104 P.3d at 896). “Three nonexclusive factors inform our analysis: (1) the potential prejudice suffered by the People from the late filing; (2) the interests of judicial economy; and (3) the propriety of requiring the defendant to pursue other remedies.” *Id.* (citing *Baker*, 104 P.3d at 896-97).

Peters filed the Petition exceptionally late more than fifteen months after the district court issued the order for which she now seeks review. Yet in her

Petition, Peters does not acknowledge the untimeliness of the Petition, much less argue that good cause exists for waiting more than fifteen months to file it with this court. Only after the People filed their response in opposition, pointing out the lateness of the Petition, did Peters even broach the issue of good cause.

In her reply, Peters contends that good cause exists for her untimely filing based on her pursuit of “a persistent course of action” to obtain a bond pending appeal, citing the motion for bond she filed in this court on November 17, 2024, and her habeas corpus petition she filed in federal court in February 2025. But her pursuit of these other avenues to the exclusion of seeking timely review of the district court’s October 2024 order does not demonstrate good cause. If anything, it is indicative of a strategic decision to forgo timely review in favor of the other avenues pursued. Nothing precluded Peters from filing a timely challenge to the trial court’s bond decision in this court at the same time she sought a bond from this court and habeas corpus relief from the federal court. In any event, Peters’s pursuit of those other avenues is not good cause for an untimely pursuit of the relief she now seeks from this court. *See Farm Deals, LLLP v. State*, 2012 COA 6, ¶ 20 (explaining that, to obtain an extension of time for good cause under C.A.R. 26(b), the requesting party must establish that, under the circumstances, “a reasonably prudent person . . . [would] overlook a required act in the performance of some responsibility”) (quoting *Guevara v. Foxhoven*, 928 P.2d 793, 795 (Colo. App. 1996)).

To the extent Peters relies on the timing of *Jenkins*, which was announced more than a year after the district court rendered its bond decision in her case, that argument only carries Peters so far. True, the division of this court announced *Jenkins* on November 26, 2025. But Peters did not file the Petition for another sixty-five days after that. Thus, to the extent that Peters can credibly argue she

was not on notice of the forty-nine day deadline to file a petition for review until the court announced *Jenkins*, she provides no explanation as to why she didn't file it within forty-nine days of that date.

Peters's reliance on "changed circumstances" since the district court's October 2024 bond decision as good cause for her delay does not fare any better. To the extent Peters contends that relevant circumstances have changed since the district court denied her request for bond, such changed circumstances provide all the more reason for us not to conduct an untimely review of the district court's October 2024 decision. After all, we are a court of review, not first view. *Doe v. Wellbridge Club Mgmt. LLC*, 2022 COA 137, ¶ 31. Thus, it is the district court that must pass on Peters's assertions in the Petition in the first instance. Given its role as a fact-finding court, it is for the district court to conduct an initial assessment to the extent a new motion for bond would be authorized while this appeal remains pending of whether any developments since late 2024 call for an updated analysis of how the bond statutes in particular section 164201.5(2)(a)-(b), C.R.S. 2025, and the factors listed in 16-4-202(1)(a)-(i) apply to Peters's case.

Finally, Peters asserts in conclusory fashion that the unavailability of other remedies counsels in favor of a finding of good cause. Implicit in this assertion is that she is foreclosed from filing a new motion for bond pending appeal pursuant to section 16-4-201. It is not evident to us, however, that Peters's October 2024 motion for bond serves as a procedural bar to filing a separate motion for bond pending appeal in this court.

For these reasons, we conclude that Peters has not demonstrated good cause for the untimely filing of her Petition. Accordingly, we dismiss the Petition as untimely filed. But we do so without prejudice to any right Peters may have to seek the same relief in the district court.

The Petition also includes a request for this Court to assign a different district court judge in the underlying case. The request is conclusory and, more importantly, there is no indication in the Petition (or anywhere else in the record) that this relief has been pursued in the district court in the first instance.

Accordingly, we deny Peters's request for us to assign a new district court judge, without prejudice to her right to seek such relief in the district court in the first instance.

BY THE COURT

Welling, J.

Tow, J.

Lipinsky, J.