



Joint Budget Committee

Interim Supplemental Budget Requests FY 2026-27

Judicial Department Courts and Probation

Prepared by:

Amanda Bickel, JBC Staff

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Joint Budget Committee Staff

200 E. 14th Avenue, 3rd Floor

Denver, Colorado 80203

Telephone: (303) 866-2061

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Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Request	\$122,120	\$122,120	\$0	\$0	\$0	0.0
Recommendation	\$122,120	\$122,120	0	0	0	0.0
Staff Recommendation Higher/-Lower than Request	\$0	\$0	\$0	\$0	\$0	0.0

Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?

YES

The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES

An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.

Explanation: JBC staff and the Department agree that this request is the result of a court order issued on August 21, 2026. This is data that was not available when the original appropriation was made.

Request

The Department requests \$122,120 General Fund in FY 2026-27 for the initial payment of monetary compensation and attorney costs for James Garner, who was exonerated after more than 13 years in prison. Judge Meghan Saleebey authorized the compensation in a court order dated August 21, 2026. The current request covers an initial payment, required by statute and the judicial order, of \$100,000 plus \$22,120 in attorney fees. An additional \$877,972 must be paid either later in the year as a lump sum (with certain requirements) or at the rate of \$100,000 per year over multiple years, adjusted annually for inflation.

Recommendation

Staff recommends that the Committee approve the request with a minor technical adjustment.

The Department's actions and its request for related funding are consistent with existing statutory provisions.

- Sections 13-65-101 through 103, C.R.S., provide for compensation of a person who was convicted of a crime but subsequently exonerated. Under specified circumstances, a person or their immediate family member who was convicted of a felony and sentenced to incarceration and who is later declared actually innocent is eligible for compensation of \$70,000 per year of imprisonment and some related costs.
- In addition, pursuant to Section 13-3-114, C.R.S., the State Court Administrator is required to issue a payment of \$100,000 plus attorney and other fees to the exonerated person within 14 days after receiving direction from a district court, with additional payments thereafter.

Staff differs with the Department only with respect to what line item will be affected. The Department has requested funding in a new line item entitled *Compensation for Exonerated Persons*. Staff believes this is appropriate. However, Section 24-75-111, C.R.S., only allows for "an expenditure in excess of the amount authorized by an item of appropriation for the current fiscal year". Given this, Staff recommends that the Committee approve an overexpenditure of the *General Courts Administration* line item. Staff also recommends that the Committee take steps during the 2027 legislative session that will enable the appropriation to be reflected—as requested—in a separate Compensation for Exonerated Persons line item.

Analysis

Case Background: The request funds compensation for James Garner, whose conviction was vacated in April 2026, after he had spent over 13 years in prison on charges of manslaughter and assault.

As described in news reports and the [National Registry of Exonerations](#), Mr. Garner was arrested in connection with a shooting at a restaurant in 2009. Eye witnesses identified him as a shooter during a flawed in-court identification process. He was convicted of manslaughter and assault.

The conviction was initially upheld. However, in December 2022, attorneys at the Korey Wise Innocence Project at the University of Colorado filed a motion for postconviction relief. They noted that the defense attorneys had not provided adequate defense related to the eye-witness identification of Mr. Garner in court. They also identified a new witness who reported he was ordering drinks at the bar with Garner at the time the shots were fired.

On April 23, 2025, following an evidentiary hearing, the prosecution filed an amended response saying it agreed that Garner's convictions should be vacated and the case dismissed. The judge granted the prosecution's motion, and Mr. Garner was released the same day.

Following provisions outlined in statute, Mr. Garner filed for compensation from the State in June 2026, and the State did not oppose the petition.

Legal Authority: As described above, statute provides clear direction on compensation for exonerated persons. The actions taken by the Department are consistent with Sections 13-65-101 through 103 and Section 13-3-114, C.R.S., and state payments thus far are based on a court order issued after the General Assembly was out of session, so the request meets interim supplemental criteria.

History of Payments for Exonerated Persons: In response to staff questions, the Department indicated that since the exonerated persons legislation was adopted in 2013, it has made compensatory payments and paid related

attorney fees for four individuals, including Mr. Garner. Cumulative compensatory payments since 2014 total \$3.3 million, and attorney fees total \$368,000.

Payments are uncommon and irregular and based solely on court orders, so they cannot be budgeted until after a court order is issued. Even after a compensation order is issued, the Department does not know if the individual will request a lump sum or multi-year payment.

Compensation amounts to-date, excluding legal fees, include:

- \$1.2 million paid out through annual disbursements between 2014 and 2018 to Robert D Dewey II
- \$2.0 million paid in 2019 to Clarence Moses
- \$46,219 paid in 2021 to Anthony Israel Fitts
- \$100,000 paid in 2026 to James Garner (amount to-date)