SUMMARY
December 14, 2017

2017COA156

16CA1379, People in the Interest of J.D. — Juvenile Court — Delinquency — Magistrates — Jurisdiction

In this juvenile delinquency case, the division holds that a magistrate has jurisdiction to consider a motion to withdraw a previously entered guilty plea based on ineffective assistance of counsel.

COLORADO COURT OF APPEALS **2017COA156**

Court of Appeals No. 16CA1379
Weld County District Court No. 14JD547
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.D.,

Juvenile-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BERGER
Lichtenstein, J., concurs
Webb, J., dissents

Announced December 14, 2017

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The Noble Law Firm, LLC, Tara Jorfald, Lakewood, Colorado, for Juvenile-Appellant

¶ 1 Does a magistrate who accepted a juvenile's guilty plea have jurisdiction to consider the juvenile's motion to withdraw his plea based on allegations of ineffective assistance of plea counsel?

¶ 2 The magistrate here granted J.D.'s motion to withdraw his plea. On the People's petition to review the magistrate's order, the district court vacated the magistrate's order for lack of jurisdiction. J.D. appeals, and addressing this novel issue, we hold that the magistrate had jurisdiction and accordingly reverse the district court's order.

I. Facts and Procedural Background

¶ 3 J.D., represented by counsel, appeared before a magistrate in a delinquency case. He signed an "advisement of rights in a juvenile delinquency proceeding" and pleaded guilty to acts that if committed by an adult would have constituted second degree criminal trespass. The magistrate accepted the plea and entered a one-year deferred adjudication. Then the magistrate gave the prosecution ninety-one days to seek restitution and J.D. twenty-one days to object.

¶ 4 After the prosecution sought restitution and J.D. failed to file an objection within the deadline, the magistrate ordered restitution.

The magistrate denied as untimely J.D.'s motion to reconsider the restitution order.

¶ 5 Four months later and through new counsel, J.D. moved to withdraw his guilty plea under Crim. P. 32(d). The motion alleged ineffective assistance of plea counsel for improperly advising J.D. as to the likely restitution amount and the bankruptcy consequences of restitution, as well as failing to formally withdraw as J.D.'s counsel.

¶ 6 Following an evidentiary hearing at which plea counsel testified, and over the prosecution's objection, the magistrate granted the motion and vacated the plea.

¶ 7 The prosecution timely sought district court review under C.R.M. 7(a)(1) and section 19-1-108(5.5), C.R.S. 2017. Applying C.R.M. 7(a)(1), the district court held that the magistrate did not have jurisdiction to hear J.D.'s motion, and that J.D.'s sole remedy for ineffective assistance of counsel was to file a petition for district

court review under that rule. Then it concluded that because he had failed to do so, he could not obtain relief under Crim. P. 32(d).[1]

II. The Magistrate Had Jurisdiction to Consider J.D.'s Crim. P. 32(d) Motion

¶ 8 Section 19-1-108, C.R.S. 2017 provides in relevant part:

> (1) The juvenile court may appoint one or more magistrates *to hear any case or matter under the court's jurisdiction*, except where a jury trial has been requested pursuant to section 19-2-107.
>
> . . . .
>
> (3)(a.5) Magistrates shall conduct hearings in the manner provided for the hearing of cases by the court. During the initial advisement of the rights of any party, the magistrate shall inform the party that, except as provided in this subsection (3), he or she has the right to a hearing before the judge in the first instance and that he or she may waive that right but that, by waiving that right, he or she is bound by the findings and recommendations of the magistrate, subject to a request for review as provided in subsection (5.5) of this section.

(Emphasis added.)

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[1] The district court recognized the harshness of this ruling and attempted a creative "fix" by instructing J.D. to file a "Petition for Reinstatement of Review Rights *Nunc Pro Tunc*." Because of our disposition, this "fix" is moot.

A. Standard of Review

¶ 9 "We interpret our rules of civil procedure de novo and apply principles of statutory construction." *In Interest of M.K.D.A.L.*, 2014 COA 148, ¶ 5 (quoting *Willhite v. Rodriguez-Cera*, 2012 CO 29, ¶ 9); *see Reno v. Marks*, 2015 CO 33, ¶ 20. In interpreting statutes, we aim to ascertain and give effect to the legislature's intent. *St. Vrain Valley Sch. Dist. RE-1J v. A.R.L.*, 2014 CO 33, ¶ 10. "To do so, we look to the plain meaning of the statutory language and consider it within the context of the statute as a whole. If the statutory language is clear, we apply it as such." *Lewis v. Taylor*, 2016 CO 48, ¶ 20 (citing *Denver Post Corp. v. Ritter*, 255 P.3d 1083, 1088 (Colo. 2011)).

¶ 10 We are also instructed to construe statutes and rules to avoid unconstitutional results. *Lopez v. People*, 113 P.3d 713, 728 (Colo. 2005) ("We must construe statutes to avoid constitutional conflicts if possible."); *State, Dep't of Labor & Emp't v. Esser*, 30 P.3d 189, 194 (Colo. 2001) ("If alternative constructions of a statute — one constitutional, the other unconstitutional — may apply to the case under review, we choose the one that renders the statute

constitutional or avoids the constitutional issue." (citing *People v. Hickman*, 988 P.2d 628, 637 (Colo. 1999))).

B. Analysis

¶ 11 A Crim. P. 32(d) motion premised on a claim of ineffective assistance of plea counsel is a proceeding designed to determine if a plea previously entered was constitutionally defective, allowing the defendant to withdraw the plea. The district court held that a juvenile whose plea was accepted by a magistrate is prohibited from filing such a motion, even though a juvenile whose case is heard by a judge is free to do so, and even though an adult defendant has a right to file a Crim. P. 32(d) motion based on the same grounds.

¶ 12 The district court relied on C.R.M. 7(a) for its conclusion that the magistrate did not have jurisdiction to decide J.D.'s Crim. P. 32(d) motion. We find it unnecessary to decide whether C.R.M. 7(a) (which governs review of a magistrate's order entered when consent of the parties is not required) or C.R.M. 7(b) (which governs review of a magistrate's orders entered when consent of the parties is required) is the applicable rule. The governing statute, section 19-1-108(5.5), itself provides the rules for review of magistrate orders entered in juvenile proceedings:

> (5.5) A request for review must be filed within fourteen days for proceedings under articles 2, 4, and 6 of this title or within seven days for proceedings under article 3 of this title after the parties have received notice of the magistrate's ruling and must clearly set forth the grounds relied upon. Such review is *solely upon the record of the hearing before the magistrate* and is reviewable upon the grounds set forth in rule 59 of the Colorado rules of civil procedure. A petition for review is a prerequisite before an appeal may be filed with the Colorado court of appeals or Colorado supreme court.

(Emphasis added.)

¶ 13 But the issue before us is not a matter of the review of magistrate orders. It is a matter of jurisdiction — that is, which judicial officers, if any, have authority in particular cases. The issue is substantive, not procedural.[2] *People v. Prophet*, 42 P.3d 61, 62 (Colo. App. 2001). And because the issue is substantive, the Children's Code prevails over any conflicting provisions in the Colorado Rules for Magistrates. *Id.* Here, the Children's Code authorizes the juvenile court to appoint one or more magistrates "to hear any case or matter under the court's jurisdiction, except where

[2] *See People v. S.X.G.*, 2012 CO 5, ¶ 13 n.4, stating that "statutory authority of the juvenile magistrate is not conditioned upon the consent of the parties."

a jury trial has been requested pursuant to section 19-2-107." § 19-1-108(1).

¶ 14 The district court concluded, and the dissent agrees, that the result it reached was compelled by the law because the only "review" permitted of a magistrate's order is under C.R.M. 7(a). This argument founders for multiple reasons ranging from statutory construction, *see Lopez*, 113 P.3d at 728, to a juvenile's rights under the Equal Protection and Due Process Clauses of the United States and Colorado Constitutions, *see People in Interest of M.C.*, 774 P.2d 857, 861-62 (Colo. 1989) (analyzing the fundamental and non-fundamental liberty interests of children in the equal protection context); *People v. M.A.W.*, 651 P.2d 433, 436 (Colo. App. 1982) ("[J]uveniles, no less than adults, are entitled to rely upon the guarantee of fundamental fairness inherent in the due process clauses of the federal and Colorado constitutions when asked to admit the commission of criminal acts.").

¶ 15 First, a motion to withdraw one's guilty plea based on a claim of ineffective assistance of plea counsel does not seek to "review" an order. It is a request to review the alleged deficient actions of plea counsel, and generally is focused on *counsel's* out-of-court actions.

Thus, even if the acceptance of a plea and the imposition of a deferred adjudication is, as the district court concluded, an "order," a Crim. P. 32(d) motion simply is not requesting a review of a court order.

¶ 16 Nothing in the language of section 19-1-108(5.5) addresses the procedure to be followed when filing a Crim. P. 32(d) motion to withdraw a plea. We find no language in the statute that supports an argument that a motion to withdraw a guilty plea based on ineffective assistance of counsel is a review of a prior court order.

¶ 17 By definition, the question of ineffective assistance of plea counsel was not addressed or considered at the taking of the plea precisely because the defendant did not raise such a claim when he entered his guilty plea. Thus, in no meaningful sense is a request to withdraw a guilty plea because of ineffective assistance of plea counsel a "review" of any order accepting the plea (or imposing a deferred adjudication).

¶ 18 Second, the limitations of a review of magistrate orders under section 19-1-108(5.5) make impossible the determination of a motion to withdraw a prior plea based on a claim of ineffective assistance of plea counsel. The only district court review of a

magistrate's order authorized by section 19-1-108(5.5) is "solely upon the record of the hearing before the magistrate." *Id.* Logically, if the magistrate does not conduct the necessary proceedings to adjudicate the Crim. P. 32(d) motion (which often, but not always, requires an evidentiary hearing) there is no record, and therefore nothing for the district court to review. Indeed, in ruling that J.D. was entitled to withdraw his plea, the magistrate took evidence.

¶ 19 Third, acceptance of the district court's analysis raises serious constitutional questions. Assuming for these purposes only that the district court and dissent's construction of section 19-1-108 is reasonable, *see Pa. Dep't of Corr. v. Yeskey*, 524 U.S. 206, 212 (1998), if the result of the district court's (and dissent's) analysis is that J.D. has no audience at all for his ineffective assistance of counsel claim, substantial equal protection questions are implicated. *See People in Interest of M.C.*, 750 P.2d 69, 70 (Colo. App. 1987) ("The right to equal protection under the law guarantees that all parties who are similarly situated will receive like treatment by the law." (citing *People in Interest of D.G.*, 733 P.2d 1199 (Colo. 1987))), *aff'd*, 774 P.2d 857.

¶ 20 And, as applied to J.D., due process concerns arguably arise because J.D. was not given fair notice of the consequences of agreeing (or not objecting) to the jurisdiction of the magistrate. "Procedural due process requires notice and an opportunity to be heard." *D.G.*, 733 P.2d at 1202. Nothing in the express language of section 19-1-108(5.5), or any court rule, provides adequate (or any) notice of such important consequences.

¶ 21 We need not and do not adjudicate any of these constitutional questions. It is enough that we recognize that these questions would be presented if we were to accept the district court's ruling. As noted above, we are instructed that in construing statutes, we should avoid, if possible, a construction that raises serious constitutional questions. *Lopez*, 113 P.3d at 728. Only by interpreting section 19-1-108(5.5) and the Colorado Rules for Magistrates in a reasonable fashion may we do so.

¶ 22 This leaves three possibilities. The first is that the district judge, but not a magistrate, has jurisdiction (not in a review or appellate capacity, but in the first instance) to rule on a Crim. P. 32(d) motion in a delinquency proceeding. We reject this reading

because it has no support in the broad grant of jurisdiction to magistrates conferred by section 19-1-108(3)(a.5).

¶ 23 The second possibility, apparently eschewed by both the Attorney General and the dissent, is that by virtue of consenting to the magistrate's jurisdiction, a juvenile, by operation of law, waives his right to file a motion to withdraw his plea under Crim. P. 32(d) when he does not request a judge to hear his case.[3]

¶ 24 While we assume, without deciding, that the General Assembly has the authority to promulgate such a draconian statute (at least if it does not conflict with the Federal or Colorado Constitutions), nothing in the language of the Children's Code suggests that the General Assembly ever considered (much less intended) such a result.

¶ 25 The only alternative remaining, and the only reasonable reading of section 19-1-108, is that the magistrate had jurisdiction to consider J.D.'s Crim. P. 32(d) motion. We so hold. And, now, based on the People's timely filed petition for review, the district

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[3] We note that relief under Crim. P. 35(c) is impossible because a deferred adjudication is not a judgment of conviction, and only judgments of conviction may be reviewed under Crim. P. 35(c). *Kazadi v. People*, 2012 CO 73, ¶ 18.

court has jurisdiction to review the People's objections to the magistrate's order.

III. Conclusion

¶ 26 We reverse the district court's order, reinstate the magistrate's order vacating the plea, and remand to the district court to address the merits of the People's petition to review the magistrate's order under the procedures (and the limitations) set forth in section 19-1-108(5.5).

JUDGE LICHTENSTEIN concurs.

JUDGE WEBB dissents.

JUDGE WEBB, dissenting.

¶ 27 Under the plain language of section 19-1-108, C.R.S. 2017, if a magistrate entertains a Crim. P. 32(d) motion, that magistrate reviews his or her prior order accepting the guilty plea, and, here, the order entering a deferred adjudication. Such action would be contrary to the exclusive district court review procedures mandated by section 19-1-108(3)(a.5) and (5.5). For this reason, and with respect, I dissent from the majority's conclusion that the magistrate had jurisdiction to consider J.D.'s motion under Crim. P. 32(d) to withdraw his plea based on ineffective assistance of plea counsel.

I. J.D.'s Crim. P. 32(d) Motion Required the Magistrate to Review His Prior Orders

¶ 28 To escape the exclusive remedy of district court review under C.R.M. 7(a)1 — the district court's rationale below — the majority seeks refuge in section 19-1-108. But the effort founders because of that section's similarly exclusive procedure for district court review, which unlike C.R.M. 7(a)(1) does not turn on consent. To

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[1] "Unless otherwise provided by statute, [C.R.M. 7(a)] is the exclusive method to obtain review of a district court magistrate's order or judgment issued in a proceeding in which consent of the parties is not necessary." C.R.M. 7(a)(1).

reach its desired result, the majority questions, without analysis or citation of authority, whether "the acceptance of a plea and the imposition of a deferred adjudication" is an order the district court is required to review. *Supra* ¶ 15. Then the majority concludes that even if the deferred adjudication at issue involves an order, J.D.'s Crim. P. 32(d) motion did not request a review within the meaning of section 19-1-108(5.5). But the explanation for this conclusion does not survive scrutiny.

A. The Magistrate Entered Orders Accepting the Guilty Plea and Deferring Adjudication

¶ 29 To begin, the majority's skepticism about whether the magistrate entered an order is at odds with the very statute allowing for deferred adjudications in juvenile matters.

¶ 30 Under section 19-2-709(1), C.R.S. 2017, "in any case in which the juvenile has agreed with the district attorney to enter a plea of guilty, the [magistrate] . . . upon accepting the guilty plea and entering an order deferring adjudication, may continue the case" for up to one year. Consistent with this language, the record shows that when J.D. pleaded guilty, the magistrate entered the required orders. One order accepted the plea subject to the terms of the plea

agreement. The other order continued, or deferred, the matter for one year.[2] I am unaware of any authority in Colorado that accepting a plea and deferring an adjudication does not involve an order or orders.

¶ 31 The consequence of the relief requested in J.D.'s motion — withdrawal of the plea — would be setting aside his deferred adjudication. This consequence highlights that by deciding to vacate the plea, the magistrate would be rescinding his order that set up the deferred adjudication. *Cf. People in Interest of A.B.*, 2016 COA 170, ¶ 44 ("Adjudication does not enter at the time of the order deferring adjudication.").

B. J.D.'s Request for Relief Under Crim. P. 32(d) Involves a Review

¶ 32 To complete its attempted escape from the procedures for and limitations on review in section 19-1-108(5.5), the majority embraces a distinction advanced by J.D.: relief for ineffective assistance of counsel under Crim. P. 32(d) is a claim of "first instance" because the magistrate never considered it in accepting

[2] The statute also refers to the deferment as a grant — which suggests an order. § 19-2-709(2), C.R.S. 2017 ("Any juvenile granted a deferral of adjudication under this section . . . .").

the plea and ordering the deferred adjudication. In the majority's words, even accepting the deferred adjudication as an order, such a Crim. P. 32(d) motion does not seek review of a prior order within the meaning of section 19-1-108(5.5).

¶ 33 Another division has rejected this approach. Although *In re Petition of Taylor*, 134 P.3d 579 (Colo. App. 2006), did not articulate J.D.'s "first instance" distinction, it held that a magistrate could not consider a motion that would have been subject to this distinction. In *Taylor*, a father moved to vacate a magistrate's adoption order because a summons had not been issued and he had not been properly served. *Id.* at 581. Applying J.D.'s distinction and the majority's explanation, the magistrate had not previously addressed problems with the summons or service.

¶ 34 Even so, the division held that "regardless of the characterization given to [the] father's motion to vacate . . . the magistrate lacked jurisdiction to act on it." *Id.* at 583. The division noted, "[t]he rules governing magistrates do not authorize any post-hearing motion with respect to the magistrate's order except a motion for district court review." *Id.* And as especially relevant

here, it added, "[n]either does the Children's Code." *Id.* I perceive no reason to depart from *Taylor*.

¶ 35 To be sure, if entertaining J.D.'s Crim. P. 32(d) motion is a review, under section 19-1-108(5.5) the district court's review must be "solely upon the record of the hearing before the magistrate." The majority uses this phrase to further distance itself from the statutory limitations on review of magistrates' orders, reasoning that unless a magistrate had held an evidentiary hearing on ineffective assistance of counsel, no record would exist for the district court to review. But the conclusion will not always flow from the stated premise.

¶ 36 In some cases, the providency hearing before the magistrate would provide an adequate record for the district court to review plea counsel's effectiveness. For example, the record might show that counsel failed to point out the client's inability to understand the nature of the plea being entered in response to the magistrate's Crim. P. 11(b) inquiry. *See People v. Goldman*, 923 P.2d 374, 374-75 (Colo. App. 1996) ("[D]efendant maintained that he was under the influence of a 'mind altering prescription drug' during his providency hearing and was therefore unable to understand the

court's advisement and the consequences of his plea. With respect to the ineffective assistance of counsel claim, defendant contended that counsel 'should not have let defendant' enter a plea while under the influence of the medication."). Or the record might show that counsel gave the client obviously incorrect advice concerning the consequences of the plea. *See People v. Juarez*, 2017 COA 127, ¶ 5 ("During [the] providency hearing, [counsel] informed the court as follows: . . . We have . . . at all times advised him that it is our understanding — although . . . I'm not an expert in immigration law, but based on my consultation with immigration attorneys — that *this plea very likely will result in either deportation or some type of exclusion from the United States*.").

¶ 37 Of course, in other cases the providency record will not show ineffective assistance. But such circumstances are not license to ignore plain language to avoid an unintended or even undesirable result. *People v. Cooper*, 27 P.3d 348, 360 (Colo. 2001) ("[I]t is not the role of the courts to rewrite or eliminate clear and unambiguous statutes merely because they do not believe the General Assembly would have intended the consequences of its enactments.").

II. District Court Review Is the Exclusive Method of Relief from a Magistrate's Order

¶ 38 Under section 19-1-108(3)(a.5), a juvenile will be bound "by the findings . . . of the magistrate, subject to a request for review as provided in subsection (5.5)." In accepting the guilty plea, the magistrate made findings that J.D. acted knowingly and voluntarily in entering the guilty plea. *See People v. Martinez-Huerta*, 2015 COA 69, ¶ 9 ("A guilty plea must be voluntarily, knowingly, and intelligently made to be valid and constitutional."). Those findings formed the basis for the magistrate's order accepting the plea and entering a deferred adjudication. The plain language of section 19-1-108(3)(a.5) indicates that those findings, and the corresponding orders, bound J.D. unless he timely requested district court review under subsection (5.5).[3]

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[3] Although J.D. did not file a petition for review, on the particular facts presented, he still has a remedy. His quarrel is not with the stigma of the guilty plea, which after all will be erased upon successfully completing the deferred adjudication. *See People v. Stewart*, 55 P.3d 107, 119 (Colo. 2002) ("[T]he defendant . . . must bear the stigma of a conviction and the burden of prison time[.]"). Instead, he disputes the loss of an opportunity to challenge the amount of restitution. But he can seek recompense for this purely economic consequence in a legal malpractice suit against plea counsel.

¶ 39 Contrary to the majority's suggestion, I do not say that J.D. waived the option of seeking relief from his plea. I would hold only that he must do so within the limitations of section 19-1-108(5.5). Subject to those limitations, he could have made a Crim. P. 32(d)/ineffective assistance argument to the district court.

III. Constitutional Avoidance

¶ 40 Despite all of this, the majority maintains that exempting Crim. P. 32(d) motions from the limitations on review of magistrates' orders in section 19-1-108(5.5) is the only way to avoid serious constitutional questions. But, does the constitutional avoidance doctrine apply at all? For three reasons, I would say no.

¶ 41 First, consider that constitutional avoidance may apply only where a statute must be construed because it is ambiguous. *See People v. Flippo*, 159 P.3d 100, 106 n.11 (Colo. 2007) (refusing to employ constitutional avoidance doctrine where statute was unambiguous); *see also Clark v. Martinez*, 543 U.S. 371, 381 (2005) ("It is a tool for choosing between competing plausible interpretations of a statutory text, resting on the reasonable presumption that Congress did not intend the alternative which raises serious constitutional doubts."). The majority does not

identify, nor do I discern, anything in the relevant subsections of section 19-1-108 that is ambiguous.

¶ 42 Next, consider whether applying constitutional avoidance makes sense where — as here — only an as-applied challenge would be implicated. The traditional justification for the doctrine — preserving presumably constitutional statutes — "is particularly inapt in the context of as-applied challenges," given that even successful as-applied challenges will rarely deal the statute at issue a fatal blow. Charlotte Garden, *Religious Employers and Labor Law: Bargaining in Good Faith?*, 96 B.U. L. Rev. 109, 133-34 (2016). In other words, because such a constitutional determination could limit the statute only in future cases closely analogous to the particular facts adjudicated, the stakes are much lower than with a facial challenge.

¶ 43 Then consider whether the majority's perceived constitutional issues — equal protection and due process — have sufficient seriousness to invoke the avoidance doctrine. *See, e.g.*, *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1106 (9th Cir. 2001) ("[A]s the Supreme Court has noted repeatedly when formulating the canon of

constitutional avoidance, the rule applies when the constitutional issue at hand is a substantial one.").

¶ 44 J.D.'s equal protection issue lacks substance because having chosen to proceed before a magistrate, he is not similarly situated to juveniles who choose to proceed before a district judge and thus are not limited by section 19-1-108(5.5). *See, e.g.*, *Buckley Powder Co. v. State*, 70 P.3d 547, 562 (Colo. App. 2002) ("When a statute is challenged as violating equal protection because it treats two groups differently, the threshold question is whether those two groups are similarly situated. Unless they are similarly situated, the equal protection guarantee is not implicated."). Nor is he similarly situated to adults who are not subject to the Children's Code at all.

¶ 45 As for due process, J.D.'s skeletal, conclusory reference would typically not even be considered. *See, e.g.*, *People v. Durapau*, 280 P.3d 42, 49 (Colo. App. 2011) ("[D]efendant's briefs present no arguments or analysis supporting his constitutional contentions beyond repeated bare and conclusory statements . . . ."). The majority goes slightly further, pondering why "J.D. would not be deprived of due process of law because of inadequate notice of the

consequences of agreeing (or not objecting) to the jurisdiction of the magistrate." *Supra* ¶ 20.

¶ 46 But as discussed above, section 19-1-108(3)(a.5) provides for notice to a juvenile that he or she would be bound by a magistrate's findings, subject only to district court review. The majority does not cite authority, nor am I aware of any, holding that due process requires an explanation of all collateral consequences of such a limitation. *Cf. People v. Ruiz*, 935 P.2d 68, 70 (Colo. App. 1996) ("[P]rison security classifications are collateral consequences of a guilty plea and not the type of direct consequence implicating the 'range of possible punishment' for which a defendant must be advised.").

¶ 47 If due process required more, would the obligatory notice include Crim. P. 35(c) and 35(b) as well? And where would the obligation stop? *See Blevins v. Reid*, No. 06-CV-00969-MSK-KMT, 2008 WL 2428941, at *6 (D. Colo. June 12, 2008) (unpublished opinion) ("[I]f there is a right to due process which attaches to an assignment to administrative segregation, then it would not need to encompass notice to the inmate of all consequences of such placement."); *Chancellor v. Dozier*, 658 S.E.2d 592, 594 (Ga. 2008)

("[A]s long as the arresting officer informs the driver that the driver could lose his driver's license for refusing to submit to chemical testing, due process does not require the arresting officer to inform the driver of all the consequences of refusing to submit to chemical testing.").

IV. Conclusion

¶ 48 In the end, the statutory limitations on review of magistrate orders provide for quick resolution and finality of those orders, avoiding potentially years of uncertainty over a juvenile's status. Section 19-1-108(5.5) clearly sends the message of only a single method of review, to be sought within a very limited time. That these benefits come at a price — even accepting the majority's "draconian" characterization, *supra* ¶ 24 — is a balance already struck by the General Assembly in section 19-1-108.

¶ 49 I would affirm the district court's order.