

COMBINED COURTS, JEFFERSON COUNTY,  
COLORADO  
Court Address:  
Hall of Justice  
100 Jefferson County Parkway  
Golden, Colorado 80401

**COURT USE ONLY**

-----  
**THE PEOPLE OF THE STATE OF COLORADO**

**v.**

**Defendant:**

**CIERA NICOLE SPAULDING**

-----  
Case No. 19 T 5555  
Division D  
-----

**TRANSCRIPT OF DIGITAL RECORDING**

A P P E A R A N C E S

FOR THE PEOPLE:           Kellie M. Eastin, #44817  
                                  Deputy District Attorney

FOR DEFENDANT:           Ciera N. Spaulding  
                                  Pro Se

The Pre-Trial Conference held in this matter commenced Tuesday, November 12, 2019, before the HONORABLE HAROLD D. SARGENT, County Court Judge.

The following is a complete transcript of the digital recording of the Pre-Trial Conference held in this matter Tuesday, November 12, 2019.

I N D E X

- Transcriber's Certificate .....pg.46

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TUESDAY, NOVEMBER 12, 2019

P R O C E E D I N G S

(Whereupon, the following proceedings were held in open court, with parties present, and Defendant appearing Pro Se:)

THE COURT: The Court next calls Ciera Spaulding, this is 19 T 5555.

MS. EASTIN: Judge, if I could have just a moment, I believe that the Defendant is back there with her parents.

THE COURT: You may have a moment.

(Pause in the proceedings.)

MS. EASTIN: Judge, Kellie Eastin for the People.

THE COURT: Good morning.

MS. EASTIN: For the record, the Defendant appears out of custody and Pro Se, she is approaching the lectern. Her father and her mother are here to support her.

THE COURT: Good morning, Ms. Spaulding.

Ms. Spaulding, how old are you?

MS. SPAULDING: Uh, nineteen.

THE COURT: You know what that means?

That means you get to stand at that podium and they don't. But they are here supporting you, which is

1 a -- which is a good thing.

2 All right. Um, I understand that today the  
3 matter was set for Pre-Trial Conference, I understand  
4 that, Ms. Spaulding, you've -- you talked with the  
5 District Attorney and reached an agreement that you're  
6 pleading guilty to the one count here which is 'careless  
7 driving, resulting in injury'; is that correct?

8 MS. SPAULDING: Yes.

9 THE COURT: Ms. Spaulding, before I take you  
10 plea I've got a document in front of me that is called a  
11 'Petition to Enter a Guilty Plea', did you go through  
12 that document thoroughly?

13 That's the thing -- the document -- I don't know  
14 if you can see from here --

15 MS. SPAULDING: Oh, yes.

16 THE COURT: -- but it -- uh, on the first page  
17 it describes a number of rights you have and those you  
18 are giving up by entering a plea.

19 On the second page, it describes what it means  
20 to drive carelessly -- yeah, what the heck, we'll --

21 MS. EASTIN: Is that okay?

22 THE COURT: -- it's -- uh, Ms. -- I'm going to  
23 have to find Ms. Eastin in contempt for encouraging you  
24 to come in front of the bar, but -- but I --

25 MS. EASTIN: Sorry, Judge, I just didn't --

1 THE COURT: No, no, that's fine.

2 MS. EASTIN: -- we're going to have the victim  
3 speaking so I didn't want to have --

4 THE COURT: Okay. No, that's -- that's fine.

5 MS. EASTIN: -- a crowded area.

6 THE COURT: That's fine. No, you're okay, I'm  
7 teasing.

8 All right. And the second page describes what  
9 it means to 'drive carelessly, resulting in injury', do  
10 you understand that?

11 MS. SPAULDING: Yes.

12 THE COURT: And it also describes the potential  
13 penalties that I can impose, did you understand that?

14 MS. SPAULDING: Yes, sir.

15 THE COURT: Are you thinking clearly today?

16 MS. SPAULDING: Yes, sir.

17 THE COURT: And is this -- I know it's an odd  
18 question but I've got to make sure that that's the case.

19 And is this plea voluntary?

20 MS. SPAULDING: Um, yes, sir.

21 THE COURT: And the last thing I need to hear,  
22 and that's from the People -- uh, or either one, tell me  
23 what happened here.

24 MS. EASTIN: Uh, Judge, in May of this year the  
25 Defendant was driving. Uh, she was making a right-hand

1 turn, um, and did not see the cyclist and there was a  
2 collision in which the cyclist suffered a partial tear  
3 to her medial patellar, and I think concussive -- and I  
4 know Ms. Hottman, the listed victim, is present --

5 THE COURT: Is she -- she's here?

6 MS. EASTIN: Yes.

7 THE COURT: Would you raise your hand, please?

8 MS. EASTIN: And she will kind of through those  
9 injuries.

10 THE COURT: Hi, good morning.

11 MS. HOTTMAN: Morning.

12 THE COURT: All right.

13 MS. EASTIN: Uh, concussive symptoms, as well as  
14 --

15 THE COURT: So, she had a concussion, her  
16 patellar tendon was injured, so -- all right, so there's  
17 significant injuries. I'll hear from her later.

18 But all right. So, that's -- that's what  
19 happened?

20 MS. EASTIN: Yes.

21 THE COURT: She was making a right turn and  
22 didn't see the cyclist?

23 MS. EASTIN: Yes.

24 THE COURT: And hit her?

25 MS. EASTIN: And there was a collision.

1 THE COURT: All right. Ms. Spaulding, do you  
2 agree with those facts?

3 MS. SPAULDING: Uh, yes.

4 THE COURT: All right. I'll find there are  
5 facts to support the plea.

6 How do you plead?

7 MS. SPAULDING: Guilty.

8 THE COURT: I'll accept that plea, finding that  
9 it's knowingly, voluntarily, and intelligently entered.

10 And then I take it the parties wish to go to  
11 immediate sentencing?

12 MS. EASTIN: Yes, Judge.

13 THE COURT: All right.

14 MS. EASTIN: It's my understanding that the  
15 Defendant has an out of state position and job, um, that  
16 she acquired and she is anxious to get to that job.

17 THE COURT: All right. Why don't you have a  
18 seat for a minute and then I'll hear from the victim  
19 here?

20 MS. EASTIN: Thank you, Judge.

21 THE COURT: Thank you.

22 MS. EASTIN: And for the record, Ms. Hottman  
23 appears, uh, and is approaching the lectern to address  
24 the Court.

25 THE COURT: All right. Thank you.

1           Ms. Hottman, how do you -- how do you spell your  
2 last name?

3           MS. HOTTMAN: H-O-T-T-M-A-N.

4           THE COURT: Ms. Hottman, okay.

5           MS. HOTTMAN: 39817 is my bar number.

6           And they --

7           THE COURT: All right.

8           MS. HOTTMAN: -- they said --

9           THE COURT: And Ms. Hottman, I will let you  
10 know, and the other parties know, that as a cyclist who  
11 was almost run over twice in the last two months, I  
12 understand how fragile people are on bikes and how often  
13 people driving cars don't see cyclists, though we wish  
14 that were not the case.

15          MS. HOTTMAN: Yes, Your Honor.

16          THE COURT: Go ahead.

17          MS. HOTTMAN: In fact, we have suffered,  
18 unfortunately, seven fatalities just this summer alone  
19 of people on bikes, doing everything right and being hit  
20 and killed.

21          THE COURT: Mm-hmm.

22          MS. HOTTMAN: So, this is a, um, very sensitive  
23 time.

24          And if Your Honor will indulge me for a moment?

25          THE COURT: Sure.



1 MS. HOTTMAN: Uh, they say that a lawyer who  
2 represents herself has a fool for a client, but I  
3 exclusively represent bicyclists across the country and  
4 have done so for the better part of a decade. So, I  
5 believe I am the best attorney to stand her on my own  
6 behalf.

7 THE COURT: Mm-hmm.

8 MS. HOTTMAN: Um, I live in Jeffco and I work in  
9 Jeffco, my law firm is here in Golden, and I have worked  
10 with Golden PD, Arvada PD, Jeffco Sheriff's, I've  
11 actually taught a class for the CDAC on these very  
12 topics. So, I have done everything I possibly can to  
13 help our law enforcement and our District Attorneys  
14 really fully understand the legal aspects of these  
15 cases.

16 Um, this collision happened literally three  
17 hours after a new law was passed here in Colorado, --

18 THE COURT: Mm-hmm.

19 MS. HOTTMAN: -- it's called 'The Vulnerable  
20 Road User Act', --

21 THE COURT: I'm familiar.

22 MS. HOTTMAN: -- 42-4-1402.5.

23 THE COURT: Mm-hmm.

24 MS. HOTTMAN: And what it says is that any  
25 driver who is convicted of careless driving, causing

1 serious bodily injury to a vulnerable road user, which  
2 by definition includes a cyclist, --

3 THE COURT: Mm-hmm.

4 MS. HOTTMAN: -- shall lose their driver's  
5 license. It is a mandatory imposition of a  
6 twelve-point, DMV takes it from there and absent  
7 specific circumstances the driver's license is  
8 suspended.

9 And I've had extensive communications with the  
10 District Attorney's Office in this matter, imploring  
11 them to use that new charge and that new law, which was  
12 in effect at the time that this happened.

13 Um, for Your Honor's background, --

14 THE COURT: Mm-hmm.

15 MS. HOTTMAN: -- this collision happened less  
16 than a mile from my home. I ride my bike everywhere --

17 THE COURT: Where was this? That's one part --  
18 the one thing I didn't hear.

19 MS. HOTTMAN: 60th and Easley, --

20 THE COURT: Okay.

21 MS. HOTTMAN: -- so just north of North Table  
22 Mountain, --

23 THE COURT: Right.

24 MS. HOTTMAN: -- northeast.

25 THE COURT: Right, right.

1 MS. HOTTMAN: Um, just on the west side of  
2 Arvada.

3 THE COURT: Mm-hmm.

4 MS. HOTTMAN: Um, I ride my bike everywhere, --

5 THE COURT: Mm-hmm.

6 MS. HOTTMAN: -- dentist, doctor, yoga, bank, my  
7 office.

8 THE COURT: Mm-hmm.

9 MS. HOTTMAN: My car -- my car gets parked for  
10 months at a time. The bike is more than just an avenue  
11 of recreation for me, it's transportation also.

12 THE COURT: Mm-hmm.

13 MS. HOTTMAN: I believe in the bike, I believe  
14 in its ability to make the world a better place. It can  
15 save us, it really can, from a healthcare perspective --

16 THE COURT: I -- I was just back -- I -- I don't  
17 mean to digress, --

18 MS. HOTTMAN: No, do.

19 THE COURT: -- but I was back visiting my  
20 daughter in Amsterdam and --

21 MS. HOTTMAN: Ahh.

22 THE COURT: -- have a number of videos of rush  
23 hour there and what you see --

24 MS. HOTTMAN: The bike super-highway.

25 THE COURT: -- is the occasional car and masses

1 of bikes. And for climate, health, safety, everything,

2 --

3 MS. HOTTMAN: Yeah.

4 THE COURT: -- and unfortunately and sadly -- I  
5 bike to work when I can, --

6 MS. HOTTMAN: Yes.

7 THE COURT: -- and unfortunately and sadly, our  
8 community is not designed as it should be and so we put  
9 bikes and pedestrians and cars in conflict all the time.  
10 And if I had a magic wand and -- or the money, I would  
11 redesign our communities. But so, --

12 MS. HOTTMAN: Amen.

13 THE COURT: -- what I -- what I mean to say is I  
14 agree.

15 MS. HOTTMAN: And that's the part of this  
16 collision that strikes me most, is that I was in a bike  
17 lane.

18 THE COURT: Mm-hmm.

19 MS. HOTTMAN: Uh, I was northbound on Easley, in  
20 a bike lane. I was on an e-bike, which I use to run my  
21 day to day errands, so I was doing about 20 miles an  
22 hour, which is below the speed limit, --

23 THE COURT: Mm-hmm.

24 MS. HOTTMAN: -- and was eight-tenths of a mile  
25 from my home. And a woman in a red car pulled up to the

1 left of me and when I looked in her passenger window I  
2 saw an elderly woman that was not acknowledging me --

3 THE COURT: Mm-hmm.

4 MS. HOTTMAN: -- and I saw her right blinker  
5 come on and I knew exactly what she was about to do, so  
6 I braked and she made the turn and just cleared my front  
7 wheel.

8 THE COURT: Mm-hmm.

9 MS. HOTTMAN: And as I was muttering to myself  
10 what we mutter when we have a close call, the woman  
11 right on her bumper --

12 THE COURT: I'm not -- I'm not going to ask you  
13 to repeat those words in court.

14 MS. HOTTMAN: No, I won't do that, I'll spare  
15 Your Honor.

16 The woman right on her bumper is the one that  
17 took me out, --

18 THE COURT: Mm-hmm.

19 MS. HOTTMAN: -- and there was nothing I could  
20 do to avoid it.

21 I've been a bike racer for eighteen, twenty  
22 years, I've been riding my bike all over the country and  
23 all over the world, I've avoided a lot of things, I  
24 could not avoid this one.

25 The car's right mirror, um, came off on my left

1 arm.

2 THE COURT: Mm-hmm.

3 MS. HOTTMAN: And the way that the car struck me  
4 I fell to my left, essentially going high side, uh,  
5 which resulted then in the left knee injury.

6 THE COURT: Going under it, yeah.

7 MS. HOTTMAN: And then what started to happen in  
8 the next few weeks was I felt very sick, I had  
9 breakthrough headaches at night that were waking me up.  
10 I made some incredible mistakes at work, uh, which my  
11 staff can attest is very uncharacteristic, and finally  
12 then sought help.

13 Uh, I had just celebrated my 40th birthday, I  
14 had perfect vision and actually really healthy knees,  
15 which not many 40-year-olds can say.

16 THE COURT: Mm-hmm.

17 MS. HOTTMAN: But that's the upside of cycling  
18 is that our knees actually come out okay.

19 THE COURT: Right.

20 MS. HOTTMAN: And as a result of this, I now  
21 have bad knees and I am now wearing glasses because part  
22 of the visual disturbances I suffered were related to  
23 the concussive symptoms.

24 Um, I chased chiropractor appointments, PT  
25 appointments, massage, orthopedic. Nothing like getting

1 put in a tube to have a brain MRI to find if your head  
2 is broken.

3 THE COURT: No.

4 MS. HOTTMAN: It's incredibly traumatic and  
5 impactful and, um, I was really hoping that while  
6 Ms. Spaulding was very remorseful at the scene and I  
7 appreciate her apology, it means a lot, but I do not  
8 believe in this country we're going to change in driving  
9 behavior until drivers lose their privilege of driving  
10 for a period of time. Whether it's thirty days or six  
11 months, someone who has to get around by bike, or get on  
12 a bus, or ride the light rail, is going to be really  
13 careful about how they drive around cyclists. And it is  
14 for that reason that we have that new law.

15 And I respectfully disagree with the District  
16 Attorney's decision in this office not to charge the  
17 twelve-point.

18 And Your Honor, I know this isn't typical in a  
19 Sentencing Hearing but I would like the Court to take  
20 judicial notice of the signed SBI form that my doctor  
21 signed saying there is SBI here. Uh, he is an  
22 orthopedic specialist at Panorama, right up the road,  
23 and he would not put his professional credibility on the  
24 line if he did not read the statutory definition of  
25 'SBI' and agree with it.

1           So, if I may approach, I would like to hand you  
2 that and have that be made part of the record.

3           THE COURT: All right, and that's fine. Did you  
4 show that to Ms. Spaulding and her parents?

5           (Whereupon, Ms. Hottman approached the bench at  
6 this time.)

7           THE COURT: All right. Thank you.

8           MS. HOTTMAN: And the District Attorney does  
9 have a copy.

10          THE COURT: All right. Thank you.

11          MS. HOTTMAN: It's my understanding that this  
12 really was a big part of the charging decision in this  
13 matter and I, as I said, respectfully disagree with  
14 that. Your Honor actually said it a few minutes ago  
15 when the District Attorney explained the injuries you  
16 said, "Oh, we've got serious injuries here."

17          I -- I realize there are discretionary decisions  
18 that have to be made the District Attorney's Office, I  
19 disagree with the one that was made here. That's not  
20 Ms. Spaulding's fault, that's the situation that the  
21 District Attorney and I -- uh, we are on different  
22 pages.

23          THE COURT: Have a respectful disagreement.

24          MS. HOTTMAN: Yes.

25          And quite frankly, Your Honor, until drivers



1 have to ride bikes to get around the behavior doesn't  
2 change.

3 THE COURT: Yeah.

4 MS. HOTTMAN: So, here's where I suggest we  
5 look, --

6 THE COURT: Yeah, mm-hmm.

7 MS. HOTTMAN: -- is ten years from now does the  
8 Ms. Spaulding who is allowed to keep her license drive  
9 any differently around cyclists than the Ms. Spaulding  
10 who loses her license for a period of time?

11 I realize it's not going to be within your  
12 sentencing capabilities to do anything with the license,  
13 this is a four-point --

14 THE COURT: Well, there -- there are some things  
15 I might be able to but I -- as I hear you, and I haven't  
16 decided what I'm going to do, of course I want to hear  
17 from Ms. Spaulding --

18 MS. HOTTMAN: Certainly.

19 THE COURT: -- and the District Attorney, but  
20 there are forms of community service that I might be  
21 able to tailor more specifically for this situation and  
22 that's what I'm considering. But as I said, I haven't  
23 made up my mind.

24 MS. HOTTMAN: So, if I may?

25 THE COURT: Of course.

1 MS. HOTTMAN: Within the realm of your options  
2 as I see them, I am asking for two hundred hours of  
3 community service and I'm asking that to the extent the  
4 Court has jurisdiction, they be served with a bike  
5 specific organization.

6 And I understand Ms. Spaulding is entertaining a  
7 job out of state, --

8 THE COURT: Mm-hmm.

9 MS. HOTTMAN: -- we have lots of bike  
10 organizations here in Jeffco --

11 THE COURT: Mm-hmm.

12 MS. HOTTMAN: -- but if she's going to be  
13 relocation hopefully there's one where she is headed,  
14 whether it's helping with a ride or charity event or  
15 something like Bicycle Colorado, taking a  
16 bicycle-friendly driving course like one that Bicycle  
17 Colorado offers.

18 I'd also ask that she read a book called  
19 'Bikenomics: How Cycling Can Save Our Economy', because  
20 it really talks about the attributes and the wonderful  
21 things that cycling can do for our community.

22 THE COURT: I'm sorry, I'm not familiar with  
23 that, tell me --

24 MS. HOTTMAN: 'Bikenomics: How Cycling Can Save  
25 Our Economy'.

1 I realize bikes aren't for everyone but it's not  
2 like it's something that's going away, it's --

3 THE COURT: Well, we all live here so whether --

4 MS. HOTTMAN: Yeah, exactly.

5 THE COURT: -- whether you --

6 MS. HOTTMAN: It's only going to keep --

7 THE COURT: -- whether you ride a bike or not,  
8 you still live in --

9 MS. HOTTMAN: It's part of life.

10 THE COURT: -- in this country.

11 MS. HOTTMAN: And quite frankly, Your Honor,  
12 Jeffco really benefits from cycling economy.

13 THE COURT: Mm-hmm.

14 MR. HOTTMAN: We have a lot -- we have eight  
15 bike shops in Golden alone.

16 THE COURT: I -- I'm going to cut you off only  
17 to tell you this, and this -- and you ought to know this  
18 also because it's what goes on in my mind.

19 My daughter's boyfriend was one of the  
20 organizers of the Colorado Classic, she is an avid  
21 cyclist, uh, what you're telling me are things that I  
22 know absolutely and I also know how -- how  
23 unfortunately, our road design, our training, everything  
24 about the way our roads operate put people at risk and  
25 people get hurt by good people. And that's --

1 MS. HOTTMAN: Agreed.

2 THE COURT: -- if I had a magic wand that could  
3 restore your health, make everyone safe, increase our  
4 usable bike lanes that were actually as wide as they are  
5 in countries that put dollars behind what they say is  
6 their policy, uh, I would do that.

7 Well, I'm sorry, but anything else you would  
8 like me to consider?

9 MS. HOTTMAN: No, Your Honor.

10 THE COURT: All right. Thank you.

11 MS. HOTTMAN: Thank you.

12 THE COURT: And again, I don't mean to cut you  
13 off. I very much appreciate you coming in because I  
14 think it's important, not just for me, but for others to  
15 hear that, uh, how easily people's lives can be altered  
16 by where we -- uh, lapses of attention or doing the  
17 things that people forget about, that our roads have  
18 lots of people who cycle and whether it's the bike lane  
19 or not, there are people who can get hurt or killed in  
20 an obscenely short amount of time.

21 MS. HOTTMAN: And Your Honor raised Amsterdam  
22 and Copenhagen, they have 'strict liability' there which  
23 quite frankly, I don't think American politics will ever  
24 wrap its head around. But this law is a really good  
25 step in terms of just drivers having an awareness that

1 if they are careless around cyclists they will lose  
2 their privilege of driving. And my only hope is that  
3 that becomes mainstream enough that people do increase  
4 their vigilance around us, especially in the presence of  
5 bike lanes, which our state is spending millions of  
6 dollars to do.

7           You know, we just -- we have -- this is not  
8 about revenge, this is not about anything other than  
9 just you can't drive a car for a period of time if you  
10 hit a cyclist.

11           THE COURT: All right.

12           MS. HOTTMAN: Thank you.

13           THE COURT: Thank you very much for coming in.

14           And one last question, because I never get to  
15 ask that. So, how the -- uh, the knee?

16           MS. HOTTMAN: As of now, I don't need surgery  
17 and I've completed a round of physical therapy, we're  
18 hoping that surgery will be avoided. It's one of those  
19 injuries, unfortunately, that -- uh, this is why we  
20 would hope to avoid things like this, --

21           THE COURT: Right.

22           MS. HOTTMAN: -- is it's more likely to develop  
23 tendonitis and be a problem.

24           THE COURT: Right.

25           MS. HOTTMAN: Yeah. I had to miss TransRockies

1 this year, it was a six-day ultra that I was training  
2 for and my doctor said, "No," on that. So, I'm hoping  
3 to try and do it in 2020.

4 THE COURT: And then the head injury, what --

5 MS. HOTTMAN: Uh, it's kind of the same, the  
6 initial symptoms resolve and you move on with your life  
7 --

8 THE COURT: Mm-hmm.

9 MS. HOTTMAN: -- but each subsequent concussion,  
10 if I were to do it again, it would be worse as a result  
11 of this one. For now, the symptoms have resolved.

12 THE COURT: Other than the vision is still --

13 MS. HOTTMAN: Other than my cute new glasses.

14 THE COURT: Well, I think they look great but  
15 that's --

16 MS. HOTTMAN: Thank you.

17 THE COURT: All right.

18 MS. HOTTMAN: Thank you.

19 THE COURT: All right. Ms. Spaulding, why don't  
20 you come back to the podium?

21 What I want to do is hear from Ms. Spaulding and  
22 then I'll hear from the District Attorney.

23 Ms. Spaulding, and you can talk to your parents  
24 for a minute, that's fine.

25 And frankly, you can go up with her if you want.

1           Ms. Spaulding, you just heard Ms. Hottman  
2 describe a number of things, but including her injuries.  
3 What -- uh, any thoughts on that?

4           MS. SPAULDING: Um, I feel really bad about what  
5 happened. If I also had a magic wand I would -- uh, I  
6 feel really bad about it and I know what it feels like  
7 to have an injury and it affect your life.

8           THE COURT: I don't know whether you and she  
9 discussed what you were doing or what happened  
10 immediately before the -- uh, before you hit her, did  
11 you?

12          MS. SPAULDING: No.

13          THE COURT: What happened? What was going on?

14          MS. SPAULDING: Um, I was coming home from work.

15                 Um, at the time I worked at a little café in  
16 Golden. Um, the waitress that -- there's only -- it's  
17 very tiny, so there's only two waitresses, one in the  
18 morning and one in the afternoon, she called in. So, I  
19 woke up at 5:00 am and went to work and then I didn't  
20 get off until 3:00, so I was coming home from work and,  
21 uh, I was behind the red Subaru and --

22          THE COURT: Mm-hmm.

23          MS. SPAULDING: -- um, I was coming up and then  
24 I made the right-hand turn and I just didn't see her and  
25 then that's when the collision happened.

1           THE COURT:  And what -- uh, were you aware there  
2 was a bike lane?

3           MS. SPAULDING:  Yes.

4           THE COURT:  And --

5           MS. SPAULDING:  Um, I was turning into where I  
6 live, so --

7           THE COURT:  Mm-hmm.  So you're familiar with the  
8 area --

9           MS. SPAULDING:  Yes.

10          THE COURT:  -- and the traffic?

11                 And I take it the sideview mirror, uh, just  
12 didn't look as long or as closely as you should?

13          MS. SPAULDING:  Yes.

14          THE COURT:  All right.  What would you like me  
15 to consider before I impose sentence?

16          MS. SPAULDING:  Um, just the four-point with the  
17 careless driving.  Um, I -- like, I get why the law  
18 happened with the twelve points but I'm nineteen, this  
19 is my first ever ticket I've ever gotten --

20          THE COURT:  Mm-hmm.

21          MS. SPAULDING:  -- through my -- I got my  
22 license when I was sixteen, so this is pretty good I  
23 would say for a young driver.

24                 Um, I just got a job in Las Vegas, Nevada  
25 becoming a vet tech and the job I'm working at is going



1 to pay for my school.

2 THE COURT: Mm-hmm.

3 MS. SPAULDING: Um, and hopefully I will come  
4 back after I get my vet tech schooling to come back to  
5 CSU to become an actual veterinarian.

6 THE COURT: Mm-hmm.

7 MS. SPAULDING: Um, --

8 THE COURT: Okay. Those are all very good  
9 things about you, --

10 MS. SPAULDING: Yes. I have --

11 THE COURT: -- there's somebody you're leaving  
12 out of that.

13 MS. SPAULDING: -- I have, um, taken a driving  
14 class as soon as it happened.

15 THE COURT: Okay.

16 MS. SPAULDING: And I have the certificate.

17 MR. SPAULDING: What did you -- what has changed  
18 since then?

19 MS. SPAULDING: Um, --

20 THE COURT: Good question.

21 MR. SPAULDING: Thank you.

22 MS. SPAULDING: -- I am now a lot more aware of  
23 where I am driving, and especially I ride -- I drive  
24 down that road every day, I am so careful now. And I  
25 always have been, but now I'm even more careful than I

1 have been.

2 THE COURT: What do you think -- what do you  
3 think about the suggestion that you do some community  
4 service that's specific for people who are cyclists?

5 Um, what do you think about the suggestion that  
6 you read a book that talks about -- uh, that you learn a  
7 little bit more about cycling and the community?

8 I don't know where you're going to live  
9 eventually, but my guess is your parents at least hope  
10 you come back here.

11 MS. SPAULDING: Yes. That is okay with me.

12 THE COURT: All right. Anything else you want  
13 me to consider?

14 I'll let you -- uh, if your dad has something he  
15 wants to share or your mom, I'll let them.

16 Rather than third-hand, go ahead.

17 MS. SPAULDING: Sorry.

18 MR. SPAULDING: Good afternoon, sir.

19 Uh, we were insured. Uh, we regret what  
20 happened to Ms. Hottman. Um, and the claim has been  
21 settled with State Farm, uh, so if there's any question  
22 you know, outside of the actual causation being  
23 violative, uh, everything else in this went properly as  
24 far as insurance.

25 THE COURT: Mm-hmm.

1           MR. SPAULDING: Um, she -- I don't want to say  
2 I'm proud of what happened, I'm certainly not proud of  
3 what happened, but the way she has handled it since then  
4 has been appropriate. Uh, please trust us that her  
5 mother and I have made sure it is appropriate and we  
6 will continue to.

7           THE COURT: All right. Thank you.

8           On behalf of the People.

9           MS. EASTIN: Thank you, Judge.

10          Kellie Eastin for the People.

11          Um, to begin, and I know the Court knows this,  
12 but for purposes of the record, under 18-1-102.5 in  
13 terms of the 'Purposes of the code with respect to  
14 sentencing', um, "1) To punish a convicted offender by  
15 assuring the imposition of a sentence that he or she  
16 deserves in relation to the seriousness of the offense;

17          2) to assure the fair and consistent treatment  
18 of all convicted offenders by eliminating unjustified  
19 disparity in sentences, providing fair warning of the  
20 nature of the sentence to be imposed, and establishing  
21 fair procedures for the imposition of sentences;

22          3) to prevent crime and promote respect for the  
23 law by providing an effective deterrent to others likely  
24 to commit similar offenses;

25          d) to promote" -- uh, or "4) to promote

1 rehabilitation by encouraging correctional programs that  
2 elicit voluntary cooperation and participation of  
3 convicted offenders;

4 5) to select a sentence, a sentence length, and  
5 a level of supervision that addresses the offender's  
6 individual characteristics and reduces the potential  
7 that the offender will engage in criminal conduct after  
8 completing his or her sentence; and"

9 Finally, "To promote acceptance of  
10 responsibility and accountability by offenders and to  
11 provide restoration and healing for victims and the  
12 community while attempting to reduce recidivism and the  
13 costs to society by the use of restorative justice  
14 practices."

15 Um, what I wanted to also let the Court know  
16 before going into the specifics of this particular case  
17 is that the District Attorney's Office this morning  
18 received a number of emails from community members  
19 regarding this case. I did speak with Ms. Hottman  
20 regarding those, um, she does not -- um, not asking me  
21 to read those, did not wish me to read those. That  
22 said, I think it's important to at least put their names  
23 on the record so that the Court can consider that there  
24 was some sort of community input in terms of this.

25 Um, we've received emails from Jennifer Laurita,

1 Eric Richter, Carrie Ditmer, John Fairbanks, Joan -- I'm  
2 really going to mess this last name up -- Orbledinger,  
3 Lindsay Compton, and Jonathan Worth.

4 The -- uh, the sort of tenor, tone, or request  
5 of those emails include the following:

6 Um, these folks wish that the DA's Office was  
7 better in Jefferson County. That they hope that they  
8 never have to go through the court system here and get  
9 in a bike accident with a car.

10 There is a belief that the District Attorney's  
11 Office is bias -- biased against bicyclists.

12 Uh, that there should be an automatic revocation  
13 of a driver's license if a vehicle hits a bike.

14 Um, and that if the DA refuses to prosecute  
15 motorists who hit bicyclists they should resign.

16 And Jefferson County is known -- widely known  
17 within the cyclist community as the most biased court on  
18 the Front Range.

19 Um, and that the DA's Office needs to do better  
20 and needs to deliver justice.

21 In terms of, um, --

22 THE COURT: Of course I have no interest in  
23 weighing in or making any note about whether that is or  
24 isn't true. I'll try to not be one of -- not one of the  
25 biased judges against cyclists.

1           But go ahead.

2           MS. EASTIN: Uh, I think it's mostly directed at  
3 the DA's Office, Judge.

4           THE COURT: All right. Go ahead.

5           MS. EASTIN: In terms of my particular role,  
6 according to Rule 3.8, um, of the Colorado Ethical  
7 Canon, --

8           THE COURT: Right.

9           MS. EASTIN: -- "A Prosecutor has a  
10 responsibility as a minister of justice and not simply  
11 that of an advocate. The responsibility carries with it  
12 specific obligations to see that a defendant is accorded  
13 procedural justice and that guilt is decided on the  
14 basis of sufficient evidence and that special  
15 precautions are taken to prevent and to address the  
16 conviction of innocent persons."

17           By way of background in this case, the Defendant  
18 in nineteen years old, she has no criminal history, no  
19 history with operating motor vehicles. The violator  
20 attitude in terms of the citation was listed as 'very  
21 good'.

22           This case was originally filed in the municipal  
23 court system, it was demanded that it be re-filed in the  
24 County Court system based on the SBI form.

25           Notably, when it was re-filed in County Court,

1 it was not re-filed as the 'VRU' but rather as 'careless  
2 with injury'.

3 Uh, the People reviewed the SBI form, I know the  
4 Court knows this, as the Court was a practicing District  
5 Attorney for a good number of decades, --

6 THE COURT: You're gonna put that on the record  
7 now, right, --

8 MS. EASTIN: Uh, --

9 THE COURT: -- that I'm old? Okay.

10 MS. EASTIN: -- we frequently will get doctors,  
11 um, I think is more the norm, where they do not sign SBI  
12 forms for broken noses, they do not sign SBI forms for  
13 strangulation, even with petechiae --

14 THE COURT: Or sometimes gunshot wounds, right.

15 MS. EASTIN: -- even with throat injuries, in  
16 terms of the muscle. Um, what we receive SBI forms on,  
17 um, sometimes are varied.

18 I can tell the Court that this is not a  
19 situation, in reviewing the medical records, that  
20 supports a finding of SBI. Of course, the findings in  
21 the medical records would be admissible at trial and  
22 those findings include the following:

23 Quote, Impression: Normal left knee.

24 So, while I understand that there is a partial  
25 tear, while I understand that there were concussive

1 symptoms, there are a number of injuries --

2 THE COURT: Well, let me stop you there.

3 I don't -- I don't know how helpful it is going  
4 to be for me to hear that.

5 I understand. I've read, I don't know, 5000 or  
6 more statements from emergency room physicians and other  
7 doctors and I understand that sometimes medical  
8 personnel don't understand the difference between an  
9 injury that time creates a possibility of loss of the  
10 use of a body part or organ, which is the definition --  
11 a definition, um, and that sometimes they'll sign off on  
12 an SBI form where it doesn't quite fit. So, the injury  
13 I understand can be one of those.

14 Brain injuries also can fit into that -- uh,  
15 that category. There's some doctors who will define any  
16 loss of consciousness as 'serious bodily injury' because  
17 it impacts the brain. Others will disagree and say,  
18 "No, it's not."

19 So, there are lots and lots of concussive  
20 injuries that may or may not have, at the time of  
21 injury, a significant risk of permanent loss of use of  
22 that body part or organ. And so, I -- I am very  
23 familiar that debate and that medical personnel often  
24 don't quite understand what 'SBI' means, I get it.

25 MS. EASTIN: And Judge, that's the reason I read



1 18-1-205(sic), as well as 3.8 into the record, is I have  
2 an obligation to treat similarly situated offenders  
3 similarly.

4 In this particular situation, or in any  
5 situation, um, if someone commits the same crime, that  
6 is to say a punch to the face and Victim No. 1 wants the  
7 death penalty, Victim No. 2 wants Probation, and Victim  
8 No. 3 wants a dismissal, it is my job as a minister of  
9 justice to review all the facts and circumstances and to  
10 treat each individual offender, uh, that are similarly  
11 situated, uh, that is to say, the same.

12 In this particular situation, our review of the  
13 medical records, um, with that particular impression,  
14 that is to say, "A normal left knee," something that  
15 would be admissible in trial, we do not believe that we  
16 could prevail with the extra elements required by the  
17 VRU.

18 It is not a 'strict liability' statute. We are  
19 not saying that it okay for motorists to not pay  
20 attention and to hit cyclists, God forbid that happens.  
21 And we see that all the time, specifically with  
22 motorcycles engaged in crashes, um, given sort of the  
23 one headlight situation. So, this isn't a referendum on  
24 the VRU, it's not a referendum on whether or not the  
25 injuries that Ms. Hottman sustained were significant or

1 significant to her.

2 Specifically, the term 'SBI' is a term of art  
3 under the statute. We do not believe that we can meet  
4 that statutory definition and I do not believe because  
5 of that, that it would be right to file under the VRU.  
6 And so, I wanted to make a record regarding the  
7 statutory structure in terms of sentencing, um,  
8 regarding my ethical obligations, and also specific  
9 facts related to SBI.

10 Uh, I also want to let the Court know that  
11 apparently this particular intersection has been  
12 repainted, um, I think in an effort to make sure that  
13 motor -- or not motorcycles, bike -- bicyclists have  
14 sort of advance lane and that motor -- motorists are  
15 required to use sort of a wide turn.

16 And so, um, there are some changes in terms of  
17 that particular area. The offender has evidenced  
18 changes, um, in terms of accepting responsibility, as  
19 she attempted to accept responsibility of her court date  
20 to include the municipal process, um, and as I mentioned  
21 her attitude was described as 'very good'.

22 As a nineteen-year-old driver she has limited  
23 points, um, if she receives any additional points, even  
24 one, her driver's license would be suspended, just like  
25 an eleven-point for an adult. And so, I do think that

1 it's also important to look at the disparate impact of  
2 different point systems on different drivers. What  
3 we're looking at here is the equivalent to a reckless  
4 driving with an additional three point citation --

5 THE COURT: All right. The --

6 MS. EASTIN: -- in terms of DMV impact for this  
7 particular driver.

8 THE COURT: All right.

9 MS. EASTIN: So, I would mention that as well.

10 In terms of sentencing, um, I know that there is  
11 under Bicycle Colorado a 'Share the Road' class, um,  
12 Judge Woodford in a sentencing I think two weeks ago  
13 made that part of her sentencing. I'm not sure of that  
14 works for Ms. Spaulding but that would be an option. I  
15 know she completed a class.

16 Um, also, I don't have any objection to the idea  
17 of community service. I always think that that's a way  
18 to administer a sort of restorative justice and also to  
19 create that -- um, that I guess heightened awareness and  
20 carefulness in terms of there being a significant amount  
21 of her personal time that's eaten up as a result of the  
22 accident.

23 In terms of the book, Judge, um, I would leave  
24 that up to the discretion of the Court. Um, that  
25 obviously would be an unusual request but this Court

1 will do what this Court will do. So, I would --

2 THE COURT: I sometimes make unusual rulings.

3 MS. EASTIN: -- defer to the Court on that  
4 score.

5 THE COURT: All right. Thank you.

6 MS. EASTIN: Yes.

7 THE COURT: Why don't you come back to the  
8 podium, Ms. Spaulding?

9 And I am going to address both you and  
10 Ms. Hottman because it's your driving that brought the  
11 two of you together in a way that neither of you would  
12 like.

13 Driving -- sentencing in a driving case where  
14 someone is significantly injured is among the hardest  
15 things I think for Judges to do because the gap between  
16 behavior and result is so large.

17 If -- and I know you would never be in this  
18 situation, but if -- if -- Ms. Spaulding, if we were  
19 here because you shot somebody, that easy. Uh, it's  
20 easy for a Court to say, "This is what you intended,  
21 this is the punishment you should" -- "you should pay."

22 You're not here because anyone thinks you're a  
23 bad person, but you're here because you weren't paying  
24 the degree of attention that Ms. Hottman and anyone who  
25 rides a bike in a lane designated for bikes, or frankly

1 anywhere, on a sidewalk, anywhere else, deserves a level  
2 of protection.

3 Um, part of what I know to be true is sadly, as  
4 I said earlier, it's not your fault, you didn't -- you  
5 didn't design our community the way it's designed, but  
6 that we, as a community, don't protect cyclists the way  
7 cyclists should be protected.

8 I don't want to involve my own story too much,  
9 but just last night my daughter -- young daughter was  
10 over at the house and I was hanging up her road bike  
11 because she lives in Denver and doesn't feel safe  
12 because she's almost been hit three times in the last  
13 week and decided it's not worth getting killed over.  
14 And that's not your decision, that nothing that you can  
15 change or, at least right now, impact.

16 I think though, if I understand Ms. Hottman's  
17 point, I think I do, I think she shares an irritation  
18 and anger that is shared by many, if not everyone, who  
19 rides bikes fairly frequently and that is, "How long and  
20 how many people have to be hurt or killed before we do a  
21 better job of changing our attitude toward cyclists and  
22 that as a way of transportation?"

23 And you are, in some ways, the unfortunate  
24 recipient of a lot of anger that's directed not really  
25 at you, but that's developed over years at -- really at

1 all of us, why don't we do a better job with  
2 reorganizing our community to, for lots of reasons,  
3 better protect a very vulnerable group who is -- and  
4 that is those who cycle?

5           So, I think, if I can synthesize it or boil it  
6 down, what Ms. Hottman is asking for you to do something  
7 so that you can be someone who, one, can tell others  
8 about how easy it is to hurt or kill somebody when  
9 you're driving a car and they're on a bike, and No. 2,  
10 maybe engage in some community -- not maybe, but engage  
11 in some community service or do some other things so  
12 that that message doesn't just go away tomorrow.

13           You're going to have a busy, and I hope  
14 successful life. From everything I've heard, you're a  
15 good -- well, I said a good kid, um, and I'm certain  
16 that you take this seriously. But the concern I have,  
17 and I'm guessing it's something shared by  
18 Ms. Hottman, is your life is going to be full and busy  
19 and you're going to be onto other things and this is  
20 going to recede, it's going to be something that  
21 happened one day and disappears from your consciousness.

22           And so, what I want to do is -- because I think  
23 it's a good idea -- to do anything I can to reinforce  
24 this as part of your life experience going forward. Not  
25 just a distant event but how you can be a better member

1 of our community going forward, to be more proactive in  
2 your own behaviors but also encouraging others about how  
3 real and significant these risks are.

4 I know you could if -- if you were able to you  
5 would take away Ms. Hottman's brain injury, but brain  
6 injuries are very difficult to diagnose, she's  
7 absolutely right. I've talked to many neurologists over  
8 the years and the fact is once you've had your first  
9 concussion, your next one is going to be one longer  
10 lasting and much more likely to produce some really  
11 serious impacts because brains are fragile.

12 It's just not something you intended, it's a  
13 fact. It's something that you did. You didn't want to,  
14 but you did. And so, that's part of her life going  
15 forward, she'll always be somewhat more fragile because  
16 of what you did to her, unintentionally, but it's there.

17 And so, what's a -- so, what I'm -- what I'm  
18 asked to do, I'm not going to get into the debate about  
19 what the District Attorney did or didn't do, I'm very  
20 much aware of how a District Attorney has to balance a  
21 number of interests, yours included, victim's, the  
22 community's, and that that mix of combinations sometimes  
23 results in dispositions or decisions that are not  
24 perfect for anyone. And sometimes that's a hallmark of  
25 good compromise is there are decisions that someone --

1 people understand it but don't all agree with those.  
2 And so, I'm not going to get into the decision-making of  
3 the District Attorney.

4 I will say this, I know this District Attorney  
5 very well, um, and I've always been impressed with her  
6 attempts to do never the perfect thing but the right  
7 thing. And so, I -- I'll accept that. That's where we  
8 are.

9 But now, in terms of sentencing you, and it's  
10 really not about the DA or anybody else and the  
11 decisions they made, it's about you and what can this  
12 Court do to fashion a sentence that -- that leaves you  
13 with some impact, some -- um, makes this a larger part  
14 of your future without -- I don't want to put you in  
15 jail, you don't deserve it, um, there's no reason for  
16 it, but I also don't want you to forget it.

17 So, um, what I'm going to is order that you  
18 complete fifty hours of community service. And what I  
19 want you to do is when you go down -- and I understand  
20 that Ms. Hottman is asking for a very much longer period  
21 of time, but that's a lot of time -- and I want you to  
22 go down to the Community Service Office today and talk  
23 to them about different biking organizations that you  
24 could help with.

25 The problem is going to be that you're going to



1 be in Las Vegas doing things you should be doing and I  
2 don't know what's available there.

3 I'm not going to order you to read 'Bikenomics'.  
4 I'm going to read it but I'm not going to order you to  
5 read it because for this very reason, if you're ordered  
6 to do it you might not get anything out of it, I don't  
7 know. But if you do it on your own and let me know that  
8 you did it or the District Attorney or Ms. Hottman,  
9 that's your call.

10 Um, but what I would really like for you to do  
11 is in the time that you're doing the community service,  
12 I want you to find a cyclist organization -- uh, in  
13 terms of the class 'Sharing the Road' I'm going to order  
14 that you -- that you complete or attend that class or a  
15 similar in Las Vegas. Frankly, I don't know nothing  
16 about it, know if it's any good. I'd like to hear that  
17 you got something out of it. I think you already  
18 understand how easy it is to hurt someone when you don't  
19 intend to do it.

20 But the fifty hours of community service, you'll  
21 be doing it probably in Las Vegas.

22 And I'm going to give you -- uh, well, I'm going  
23 to put you on unsupervised Probation for nine months,

24 I'm going to give you eight months to get that  
25 done because I don't want it to -- I don't want it to --

1 I don't want -- my hope is that it's something you get  
2 -- you do and get something out of, not something you  
3 feel is a punishment. Because if you look at it from  
4 the other side, you could have killed Ms. Hottman, you  
5 know that. Um, we'd be having a very different  
6 discussion if that happened.

7 Uh, I want you to see this as an opportunity to  
8 learn and grow from this experience, not -- uh, yes,  
9 it's a consequence but my hope is that it's something  
10 doesn't detract from your life but adds to it. And that  
11 kind of awareness, doing something for other people,  
12 often for a lot of people is something that they  
13 rewarding. I hope that's who you are.

14 And so, I want you to find something meaningful  
15 to you because if it is, it's going to be meaningful for  
16 someone else. But I would like it to be, and your  
17 parents can help you with this, something that benefits  
18 those who bike because that's the community more  
19 directly that you harmed here.

20 So, it's fifty hours of community service, I  
21 want you to complete a 'Share the Road' class or  
22 similar, and I'm going to trust that -- uh, I want to --  
23 I'm going to have you find that class with the help of  
24 the District Attorney because there are a number of  
25 classes, and then they are going to report back to me

1 what class you, your family, the District Attorney agree  
2 on and I want to see a certificate that you've completed  
3 that.

4 And I'll -- as I said, Probation is going to be  
5 unsupervised for nine months.

6 When do you go back Las Vegas?

7 MS. SPAULDING: Uh, I leave Thursday.

8 THE COURT: Okay. It's going to be a little  
9 hard to get that done by Thursday.

10 MS. SPAULDING: Yeah.

11 THE COURT: What I would like you to do though  
12 is the 'Share the Road' or a similar class, I would like  
13 you to do that in the next two months because I don't  
14 want to have too much time -- uh, let me make it three  
15 months because I don't know their -- the availability of  
16 those classes.

17 With that, Ms. Spaulding, um, I wish you well  
18 going forward.

19 Ms. Hottman, I wish -- um, I wish there were  
20 more I could do to impact our broader community, I don't  
21 think I can.

22 Um, and lastly, this is to your parents,  
23 Ms. Spaulding, I don't know if -- but I want them to  
24 listen for a moment -- I don't know if you realize how  
25 lucky you are.

1 MS. SPAULDING: Yeah, I'm pretty lucky.

2 THE COURT: I see a lot of young people standing  
3 at that podium and they do it by themselves and you are  
4 very lucky that you have parents who are concerned  
5 enough to come to court, take time out of their lives to  
6 be here for you. And I trust them, as well as your  
7 judgment, in taking the steps that I've described and  
8 seeing that this becomes what I hope is -- is a good  
9 learning experience from you -- for you, excuse me,  
10 going forward. Because you can't change what you did,  
11 but what you can change is your future and the future of  
12 some others I hope, to some degree.

13 With that, again, thank you for coming in.

14 And Ms. Hottman, thank you very much for coming  
15 in.

16 MS. HOTTMAN: Thank you, Your Honor.

17 MS. SPAULDING: Thank you.

18 THE COURT: And I'm not making a specific  
19 finding about 'serious bodily injury' or not, but I am  
20 going to scan the -- have this -- have the form scanned  
21 in this. It's clear to me that you've had a significant  
22 injury.

23 MS. HOTTMAN: Thank you.

24

25

1                   (Whereupon, the foregoing proceedings in the  
2 Pre-Trial Conference held in this matter Tuesday,  
3 November 12, 2019, were concluded and have been duly  
4 transcribed herein.)

5                   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

