

25CA1283 EWU v Matthews 10-15-2026

COLORADO COURT OF APPEALS

DATE FILED

October 15, 2026

CASE NUMBER: 2025CA1283

Court of Appeals No. 25CA1283
Pitkin County District Court No. 25CV30024
Honorable Denise Lynch, Judge

EWU Media, LLC,

Plaintiff-Appellant,

v.

Charlie Matthews, in his official capacity as the Records Manager and the
custodian of the requested records for the Pitkin County Sheriff's Office,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE SULLIVAN
Schock, J., concurs
J. Jones, J., dissents

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced October 15, 2026

Frank Law Office LLC, William Fairhurst, Denver, Colorado, for Plaintiff-
Appellant

Richard Y. Neiley III, County Attorney, Ryan L. Scheidt, Assistant County
Attorney, Aspen, Colorado, for Defendant-Appellee

¶ 1 In this action under the Colorado Criminal Justice Records Act (CCJRA), sections 24-72-301 to -309, C.R.S. 2026, plaintiff, EWU Media LLC, appeals the district court’s order upholding the denial of its records request by defendant, Charlie Matthews, the records custodian for the Pitkin County Sheriff’s Office.

¶ 2 The custodian denied EWU Media’s request under the at-risk adult reporting statute, section 26-3.1-102(7)(a), C.R.S. 2026, which prohibits disclosing “reports of the . . . self-neglect of an at-risk adult.” Applying the statutory language to the facts of this case, we agree with the district court that the custodian didn’t abuse his discretion by determining that the statute prohibits disclosure of the sheriff’s investigation records related to the death of an elderly hiker with dementia symptoms who departed on a trail without water or adequate clothing. We therefore affirm the district court’s judgment upholding the custodian’s denial of EWU Media’s records request.

I. Background

¶ 3 In December 2024, EWU Media requested that the sheriff’s office provide records related to its investigation of an October 2024 incident in which an elderly male hiker was found dead on the

Conundrum Creek Trail. The records custodian for the sheriff's office denied the request, concluding that the records weren't releasable under the at-risk adult reporting statute, section 26-3.1-102, which prohibits disclosing reports of the self-neglect of an at-risk adult.

¶ 4 EWU Media petitioned the district court under the CCJRA, requesting that the court order the records custodian to show cause why he shouldn't be required to release the requested records. See § 24-72-305(7), C.R.S. 2026. According to EWU Media, the at-risk adult reporting statute doesn't forbid disclosure of the requested records.

¶ 5 The district court held a hearing at which the custodian and a sheriff's office investigator testified. The custodian testified that the hiker was seventy-seven or seventy-eight years old and had experienced symptoms of dementia. The custodian further explained that, even though the hiker had hiked this particular trail several years earlier, he didn't take water or adequate clothing on his latest outing. The investigator added that, according to the hiker's friend who reported him missing, the hiker wasn't in good shape and didn't possess the physical stamina needed to complete

this specific hike. Additionally, the hiker's sister reported that he had "pre-dementia." Armed with this information, the custodian determined that the sheriff's investigation records related to the self-neglect of an at-risk adult, requiring that he deny EWU Media's records request.

¶ 6 In a detailed written order, the district court concluded that the custodian properly denied EWU Media's request. *See id.* ("Unless the court finds that the denial of inspection was proper, it shall order the custodian to permit such inspection"). The court reasoned that the at-risk adult reporting statute prohibits disclosure because the hiker's elderly age, dementia symptoms, and failure to take adequate provisions on a strenuous hike in October demonstrated that the hiker lacked the capacity to make a responsible decision to go hiking.

II. Discussion

¶ 7 EWU Media contends that the district court erred by concluding that the custodian properly denied its records request under the at-risk adult reporting statute, section 26-3.1-102(7).

A. Applicable Law and Standard of Review

¶ 8 The CCJRA governs the public’s access to “criminal justice records.” *Madrigal v. City of Aurora*, 2014 COA 67, ¶ 9. Criminal justice records include

all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including, but not limited to, the results of chemical biological substance testing to determine genetic markers conducted pursuant to sections 16-11-102.4 and 16-23-104[, C.R.S. 2026], or risk assessment outputs.

§ 24-72-302(4), C.R.S. 2026.

¶ 9 While the CCJRA generally favors broad disclosure of criminal justice records, that preference is “tempered by the privacy interests and dangers of adverse consequences involved in the inspection request.” *Freedom Colo. Info., Inc. v. El Paso Cnty. Sheriff’s Dep’t*, 196 P.3d 892, 899 (Colo. 2008). Among other exceptions to inspection, a records custodian must deny a request for criminal justice records when “[s]uch inspection would be contrary to any

state statute.” § 24-72-305(1)(a); *see, e.g., Harris v. Denv. Post Corp.*, 123 P.3d 1166, 1174 (Colo. 2005).

¶ 10 The at-risk adult reporting statute, in turn, provides that a report of “mistreatment or self-neglect of an at-risk adult” is confidential and “not public information.” § 26-3.1-102(7)(a). Subject to certain exceptions, disclosure of such a report “is permitted only when authorized by a court for good cause.” § 26-3.1-102(7)(b).

¶ 11 An adult qualifies as “at-risk” if they are “susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs.” § 26-3.1-101(1.5), C.R.S. 2026. “Self-neglect” means an “act or failure to act whereby an at-risk adult substantially endangers his or her health, safety, welfare, or life by not seeking or obtaining services necessary to meet his or her essential human needs.” § 26-3.1-101(10).

¶ 12 In reviewing whether a custodian properly denied a records request under the CCJRA, we stand in the same position as the

district court and review whether the custodian abused their discretion. *Madrigal*, ¶ 13. “The custodian’s determination constitutes an abuse of discretion when it is manifestly arbitrary, unreasonable, or unfair; it reflects a misapplication of the law; or it is not reasonably supported by competent evidence in the record.” *Id.* at ¶ 14.

¶ 13 But we review de novo questions of law concerning the correct construction of statutes. *Freedom Colo.*, 196 P.3d at 897. In doing so, we give words and phrases their plain and ordinary meanings. *Doe 1 v. Colo. Dep’t of Pub. Health & Env’t*, 2019 CO 92, ¶ 15. Our primary duty is to ascertain and give effect to the General Assembly’s intent. *Ferguson Enters., Inc. v. Keybuild Sols., Inc.*, 275 P.3d 741, 747-48 (Colo. App. 2011). If the statute’s meaning is clear and unambiguous, we apply the statute as written unless doing so would lead to an absurd result. *E-470 Pub. Highway Auth. v. Kortum Inv. Co., LLLP*, 121 P.3d 331, 333 (Colo. App. 2005).

B. Analysis

¶ 14 EWU Media contends that the custodian abused his discretion by denying its record request, arguing that the hiker wasn’t an

at-risk adult and didn't experience self-neglect as those terms are defined in the at-risk adult reporting statute.

¶ 15 We discern no abuse of discretion in the custodian's denial.

The custodian testified that, based on the reports law enforcement had received, the hiker (1) lacked sufficient understanding to make responsible decisions concerning his person, thus satisfying the definition of "[a]t-risk adult," § 26-3.1-101(1.5); and (2) endangered his health, safety, welfare, or life by not obtaining services that were necessary for his survival, thus satisfying the definition of "[s]elf-neglect," § 26-3.1-101(10).

¶ 16 The record evidence supports the custodian's determination.

As to the "at-risk adult" definition, the evidence showed that the hiker was of advanced age, experienced dementia symptoms, and embarked on a difficult hike even though he lacked adequate physical stamina. Because the hiker had prior experience with this particular trail, investigators could have reasonably concluded that his dementia symptoms had caused him to lack sufficient understanding or capacity to make or communicate responsible decisions concerning his person. § 26-3.1-101(1.5).

¶ 17 As to the “self-neglect” definition, the evidence showed that the hiker departed without water or adequate clothing, despite it being October and despite the hike being physically demanding. While departing on a hike underprepared wouldn’t suffice by itself, when coupled with the evidence of the hiker’s dementia symptoms and his previous experience on this trail, the custodian could have reasonably concluded that the hiker’s combined actions had substantially endangered his health, safety, welfare, or life. § 26-3.1-101(10).

¶ 18 But what about the additional statutory requirement that the hiker caused this endangerment by “not seeking or obtaining *services* necessary to meet his . . . essential human needs”? *Id.* (emphasis added). EWU Media asserts that the custodian didn’t show that the hiker failed to seek or obtain such services. While “services” isn’t defined in the statute, the term’s ordinary meaning is “an act done for the benefit or at the command of another,” or “action or use that furthers some end or purpose,” such as the “supply of needs.” Webster’s Third New International Dictionary 2075 (2002). We can also glean clues to the term’s meaning by looking to the company it keeps in the remainder of the self-neglect

definition. *See Berges v. Cnty. Ct.*, 2016 COA 146, ¶ 10 (courts don't read statutory language in isolation from its context). In particular, services under the statute must be necessary to meet the putative at-risk adult's "essential human needs."

§ 26-3.1-101(10).

¶ 19 Against this backdrop, we conclude that "services" as used in section 26-3.1-101(10) encompasses all acts that aid in securing a person's essential human needs. This includes but isn't limited to the provision of life-sustaining goods such as food, water, and clothing, whether from oneself or a third party such as a delivery service, retailer, or other provider. *Cf.* § 26-3.1-101(1.5) (adult may qualify as at-risk if they're unable to "*perform* or obtain services" (emphasis added)). Because the evidence showed that the hiker failed to secure water or adequate clothing before departing on a strenuous hike in October, we conclude the custodian didn't err by determining that the hiker failed to seek or obtain services necessary to meet his essential human needs. *See* § 26-3.1-101(10).

¶ 20 Given all this, we agree with the district court that, on this record, the custodian didn't abuse his discretion by treating the

sheriff's investigation records regarding the deceased hiker as confidential "reports of the . . . self-neglect of an at-risk adult."¹ § 26-3.1-102(7)(a).

¶ 21 We aren't convinced otherwise by EWU Media's arguments to the contrary. First, EWU Media argues that the hiker had sufficient mental acuity as demonstrated by his decision to inform a friend about his hiking plans. While we agree that the hiker made a responsible decision by notifying a friend of his hiking plans, that doesn't necessarily mean that he had sufficient decision-making capacity more generally. The friend told investigators, for example, that the hiker wasn't in good shape and that "this particular hike required physical stamina" that the hiker didn't possess — the very kind of factors that an at-risk adult might be prone to overlook. The friend's statements, taken as a whole, are therefore consistent with the custodian's determination that the hiker lacked sufficient understanding to make responsible decisions concerning his person. See § 26-3.1-101(1.5).

¹ Because no party argues it, we don't consider whether the records EWU Media requested constitute "reports" under section 26-3.1-102(7)(a), C.R.S. 2026.

¶ 22 Second, EWU Media argues that the at-risk adult reporting statute doesn't contain an "age-based definition" of at-risk adult, unlike section 18-6.5-102(2), C.R.S. 2026, which defines every person seventy years old or older as an at-risk adult. But nothing in the at-risk adult reporting statute prohibits a custodian from considering a person's advanced age as one factor among others. See § 26-3.1-102. And the custodian testified that the hiker's advanced age was only one factor he considered.

¶ 23 Finally, EWU Media asserts that the hiker's decision to hike underprepared was a "lifestyle choice" that doesn't constitute self-neglect. True, the definition of "self-neglect" says that "[c]hoice of lifestyle . . . shall not, by itself, be evidence of self-neglect." § 26-3.1-101(10). In this context, lifestyle means "an individual's typical way of life: his attitudes and their expression in a self-consistent manner as developing from childhood." Webster's Third New International Dictionary at 1307, 2271. But EWU Media hasn't identified any evidence suggesting that the hiker's "typical way of life" included embarking on hikes without water or adequate clothing. Moreover, even if the hiker's lifestyle may have included underprepared hiking, the custodian didn't rely on that fact alone

to deny EWU Media’s request. The custodian also leaned on the hiker’s dementia symptoms and advanced age when determining that he experienced self-neglect.

¶ 24 In sum, we conclude that the custodian didn’t err by determining that an elderly hiker suffering dementia symptoms who died after neglecting to bring water or adequate clothing on a strenuous hike that he had previously completed qualified as an at-risk adult engaged in self-neglect under section 26-3.1-101(1.5) and (10), rendering the requested records confidential under section 26-3.1-102(7)(a).

¶ 25 Accordingly, the district court didn’t err by upholding the custodian’s denial of EWU Media’s records request under the CCJRA.

III. Costs and Attorney Fees

¶ 26 EWU Media requests an award of its costs and reasonable attorney fees, citing section 24-72-305(7). That provision permits a court to order the custodian to pay the applicant’s costs and attorney fees “upon a finding that the denial [of inspection] was arbitrary or capricious.” § 24-72-305(7). Because we’ve concluded

that the custodian's denial was proper, we deny EWU Media's request for costs and attorney fees. *See Madrigal*, ¶ 29.

IV. Disposition

¶ 27 We affirm the judgment.

JUDGE SCHOCK concurs.

JUDGE J. JONES dissents.

JUDGE J. JONES, dissenting.

¶ 28 Did the elderly hiker who tragically perished on the Conundrum Creek Trail in October 2024 fail to “seek[] or obtain[] services necessary to meet his . . . essential human needs,” § 26-3.1-101(10), C.R.S. 2026, when he left his house and went on the hike without bringing water or dressing in sufficiently warm clothing? I don’t think so, and therefore I respectfully dissent.

¶ 29 To show that the records requested by EWU Media are exempt from disclosure under the Colorado Criminal Justice Records Act (CCJRA), the records custodian was required to prove that they are “reports of the . . . self-neglect of an at-risk adult.” § 26-3.1-102(7)(a), C.R.S. 2026. “Self-neglect” and “[a]t-risk adult” are statutorily defined terms. § 26-3.1-101(1.5), (10).

¶ 30 Whether the custodian proved that the hiker was an at-risk adult as statutorily defined is a question on which I don’t express any opinion. I don’t need to because it is clear to me that the custodian didn’t prove that the hiker engaged in that type of self-neglect on which the custodian relied — that is, that the hiker engaged in self-neglect “by not seeking or obtaining services

necessary to meet his . . . essential human needs.”

§ 26-3.1-101(10).

¶ 31 At the hearing on EWU Media’s petition seeking an order requiring the custodian to provide EWU Media with records of the sheriff’s office’s investigation, the custodian expressly conceded that there was no evidence that the hiker failed “to seek out any kind of help or care” and counsel for the custodian admitted as much as well. The custodian relied solely on the hiker’s failure to bring adequate water or dress sufficiently warmly (or, I suppose, bring more clothing with him) when leaving to go on the hike.

¶ 32 So the issue comes down to this: When a person brings water and dresses for an excursion outside the home, is that person obtaining a service by doing so? I think to ask the question is to answer it “no.” Water is a thing. Clothing is a thing. (And in this case, both are things the hiker had available to him in his home.) Neither thing is a “service” within the commonly understood meaning of the term. To be sure, if someone provides such things *to another person*, that someone may be providing a service to the other person: The service is the doing of something for another’s benefit. See Webster’s Third New International Dictionary 2075

(2002) (defining “service” as “an act done for the benefit or at the command of another”); Black’s Law Dictionary 1647 (12th ed. 2024) (“Service,” when used as a noun, is “[l]abor performed in the interest or under the direction of others; specif., the performance of some useful act or series of acts for the benefit of another In this sense, *service* denotes an intangible commodity in the form of human effort, such as labor, skill, or advice.”). But the hiker in our case wouldn’t have been doing anything for another’s benefit if he had brought water and dressed in or brought warmer clothing.

¶ 33 The majority cites the Webster’s definition of service but glosses over the “for . . . another” part.¹ *Supra* ¶ 18. In effect, the majority holds that a person fails to seek or obtain a “service” whenever that person fails to do something that a reasonable

¹ The majority also relies on a slightly different definition from Webster’s: an “action or use that furthers some end or purpose.” Webster’s Third New International Dictionary 2075 (2002). But it doesn’t quote the entire alternative definition. In full, it says that a service is an “action or use that furthers some end or purpose: conduct or performance that assists or benefits someone or something: deeds useful or instrumental toward some object (the pioneer-baiters do the country a [service] — Russell Lord) (did me a valuable [service]).” *Id.* Read as a whole, this definition also contemplates one person doing something for another person, group of people, or, perhaps, a cause. I don’t see how it fits this case.

person would have done under the circumstances to assure that his essential human needs are met. In my view, that stretches the reach of the statutory language beyond any reasonable limit. Had it been the General Assembly's intent to go that far, it could have said as much by using clearer, more to-the-point language.²

¶ 34 In sum, I would conclude that the custodian failed to prove that the hiker engaged in self-neglect as that term is defined in section 26-3.1-101(10). And as a result I would reverse the district court's order and remand the case with instructions to grant the petition and award EWU Media its reasonable costs and attorney fees under section 24-72-305(7), C.R.S. 2026.

² I also observe that when the statute pertaining to at-risk adults mentions services elsewhere, the services are services someone or some entity provides to an at-risk adult. See § 26-3.1-101(9), C.R.S. 2026 (defining “[p]rotective services”); § 26-3.1-101(6) (defining “[l]east restrictive intervention”).

Court of Appeals

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CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals will issue no earlier than 42 days after entry of the judgment. Pursuant to C.A.R. 3.4(m) and C.A.R. 3.5(m), the mandate of the Court of Appeals will issue 29 days after entry of the judgment in appeals from proceedings in dependency or neglect, or appeals of mental health orders.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. The mandate will issue no earlier than 28 days after the court denies the petition for rehearing. In appeals from proceedings in dependency or neglect, or appeals of mental health orders, if the petition is denied, the mandate must issue 14 days after entry of the order denying the petition.

In workers' compensation and unemployment insurance cases, the mandate will issue no earlier than 28 days after entry of the judgment, or 14 days after the court denies a timely petition for rehearing, whichever occurs later.

A timely filed petition for writ of certiorari or a timely filed motion for extension of time to file a petition for writ of certiorari transfers jurisdiction from the court of appeals to the supreme court under C.A.R. 52(b).

BY THE COURT: Ted C Tow III,
Chief Judge

DATED: August 1, 2026

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