

tralized in the Department of General Services for operational or administrative efficiency. This section was not cited or relied upon in the briefs or at oral argument. It is plainly not applicable. The majority's strained interpretation stretches this section far beyond its obvious purpose and thus negates the plain language of other charter provisions requiring competitive bidding for concessions.

While there is no claim of any improper motive to avoid competitive bidding in the instant case, we must look beyond the immediate case when we interpret charter provisions. Our decision making is not merely an ad hoc process; today's decision is tomorrow's legal precedent. For that reason the effect of the majority opinion on the integrity of the Denver Charter's bidding requirements is of utmost concern to me. These competitive bidding requirements, adopted by vote of the Denver people for their protection, should not be subject, in the future, to avoidance by the transparent device of shifting control of a particular sports gathering place—whether called an arena, stadium, coliseum, park or field—from one city department to another.

I would affirm the judgment.



Robert L. THRAP, Petitioner,

v.

**The PEOPLE of the State of Colorado and
the City of Thornton, Respondents.**

No. C-876.

Supreme Court of Colorado,
En Banc.

Jan. 10, 1977.

Rehearing Denied Jan. 31, 1977.

Defendant convicted of contempt of the Thornton municipal court was again

found guilty after trial de novo in the county court of Adams County. The District Court, Adams County, Jean J. Jacobucci, J., affirmed and defendant petitioned for certiorari. The Supreme Court, Carrigan, J., held that defendant's comment to his wife as he was leaving municipal court courtroom after arraignment on a traffic charge would not support contempt conviction where there was no finding that the remarks caused any obstruction of justice; that defendant's remark to his wife was privileged; and that defendant's statement to municipal court judge when asked to repeat the comment that the comment was none of the judge's concern was sufficient to assert the privilege.

Reversed and remanded.

1. Contempt ↔30

Contempt power must be exercised with patience and self-restraint. C.R.S. '73, 13-10-112.

2. Contempt ↔7

Judges must be cautious to avoid overreacting when persons not familiar with court procedures, through ignorance or frustration, unintentionally cause minor commotions. C.R.S. '73, 13-10-112.

3. Contempt ↔30

Contempt power should be invoked only when the judicial process has been seriously affronted or disrupted. C.R.S. '73, 13-10-112.

4. Contempt ↔7

Defendant's comment to his wife as he was leaving municipal court after arraignment on traffic charge, during which defendant became agitated when judge refused to hear evidence as to alleged police misconduct at the time of arrest, would not support contempt conviction where there was no evidence to support finding that the remarks caused any obstruction of justice, and the delay and disruption which occurred after judge required defendant to return to the courtroom and sought to force defendant to divulge his remarks and had him handcuffed in open court could

