

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JUNE 28, 2021**

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

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**OPINIONS**

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**[2021 CO 59](#)**

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**Supreme Court Case No. 19SC690**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 16CA1289

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**Petitioner/Cross-Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Respondent/Cross-Petitioner:**

T.B.

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**Judgment Affirmed in Part and Reversed in Part**  
*en banc*

**JUSTICE MÁRQUEZ** delivered the Opinion of the Court.  
**CHIEF JUSTICE BOATRIGHT** dissents.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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[2021 CO 60](#)

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**Supreme Court Case No. 21SA3**  
*Original Proceeding Pursuant to C.A.R. 21*  
El Paso County District Court Case No. 20CR409  
Honorable Chad Miller, Judge

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**In Re:**

**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Regina M. Sprinkle.

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**Rule Discharged**  
*en banc*

**JUSTICE HOOD** delivered the Opinion of the Court.  
**JUSTICE SAMOUR** dissents, and **CHIEF JUSTICE BOATRIGHT** joins in the dissent.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**[2021 CO 61](#)**

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**Supreme Court Case No. 21SA85**  
*Original Proceeding Pursuant to C.A.R. 21*  
District Court, El Paso County, Case No. 20CR1260  
Honorable Gregory R. Werner, Judge

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**In Re**

**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Ian Christopher Sherwood.

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**Rule Discharged**

*en banc*

**JUSTICE SAMOUR** delivered the Opinion of the Court.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**ORIGINAL PROCEEDING**

21SA166      In Re the Interest of G.A.  
[Order Issued June 24, 2021](#)

**CERTIFICATION OF QUESTION OF LAW**

No. 21SA187, Skillet, Alexis v. Allstate Fire and Casualty  
United States District Court for the District of Colorado Case No. 21CV00956-MEH  
Question accepted on June 24, 2021

**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 20SC717, Court of Appeals Case No. 17CA2249**

**Petitioner/Cross-Respondent:**

Timothy Robert McBride,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

Whether there is liability under section 42-4-206(1), C.R.S. (2020), where a vehicle's tail lamps emit any white light, regardless of whether they emit a red light plainly visible from a distance of five hundred feet to the rear.

DENIED AS TO ALL OTHER ISSUES.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 20SC950, Court of Appeals Case No. 17CA2384**

**Petitioners:**

Leonel Gomez, Francisco Gonzalez, Ebarardo Sanchez, and Nathan Abbott,  
v.

**Respondent:**

JP Trucking, Inc.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in rejecting *Brunson v. Colorado Cab Co.*, 2018 COA 17, 433 P.3d 93, and determining that a regulatory exemption from Colorado’s wage-and-hour laws was unambiguous due to its incidental similarities with an exemption in the federal Fair Labor Standards Act, 29 U.S.C. §§ 201–209 (2018), despite explicit contrary guidance from the Colorado Department of Labor and Employment.

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**No. 21SC52, Court of Appeals Case No. 19CA890**

**Petitioner:**

Nathanael E. Owens,  
v.

**Respondents:**

Mary Carlson, Scott Dauffenbach, and Dean Williams.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether, to calculate the parole eligibility date for an inmate serving consecutive sentences, the Department of Corrections must give effect to each parole eligibility statute that governs an inmate’s sentences or whether the Department of Corrections may choose, in its discretion, to apply one parole eligibility statute to the entirety of an inmate’s one continuous sentence.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 21SC62, Court of Appeals Case No. 19CA1816**

**In re the Marriage of**

**Petitioner:**

Robert J. Mack,  
and

**Respondent:**

Deborah B. Mack.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals division below erred in concluding that a PERA member waived his argument that he had a right to remove his spouse as a cobeneficiary from his PERA retirement plan and to have the plan revert to a single life benefit option pursuant to section 24-51-802(3.8), C.R.S. (2020).

[REFRAMED] Whether the district court erred in denying a PERA member the right to remove a cobeneficiary spouse from his PERA retirement plan and in thereby preventing the plan's reversion to a single life benefit option pursuant to section 24-51-802(3.8), C.R.S. (2020).

DENIED AS TO ALL OTHER ISSUES.

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**No. 21SC85, Court of Appeals Case No. 17CA1014**

**Petitioner:**

Emanuel Torres-Garcia,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a person convicted of a sex offense that constitutes a crime of violence is eligible for modification of their indeterminate prison sentence under section 18-1.3-406(1)(a), C.R.S. (2020), which allows a court to modify a mandatory crime of violence sentence in unusual and extenuating circumstances.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 21SC245, Court of Appeals Case No. 20CA695**

**Petitioner:**

The People of the State of Colorado,

In the Interest of Minor Children:

My. K.M. and Ma.K.M.,

v.

**Respondents:**

V.K.L. and T.A.M.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the Court of Appeals erred in its analysis of the Indian Child Welfare Act (ICWA) in determining Department of Human Services (“DHS”) did not make “active efforts” to provide services and programs designed to remediate the problems that caused DHS’ involvement, rehabilitate parents, and prevent the breakup of the Indian family.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 20SC963, Court of Appeals Case No. 18CA1156**

**Petitioner:**

Aaron Snyder Torline,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC992, Court of Appeals Case No. 19CA1210**

**Petitioner:**

Zykronix, Inc., a Colorado corporation,

v.

**Respondent:**

Loxone Electronics GmbH, a limited liability company organized and existing under the laws of the Country of Austria.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC39, Court of Appeals Case No. 18CA1001**

**Petitioner:**

Andrew James Hayes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC44, Court of Appeals Case No. 17CA2057**

**Petitioner:**

Benjamin John Romero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 21SC74, Court of Appeals Case No. 18CA953**

**Petitioner:**

Christopher Jay Cox,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC77, Court of Appeals Case No. 18CA736**

**Petitioner:**

Kenneth Upton Crise,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRRIGHT does not participate.

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**No. 21SC90, Court of Appeals Case No. 19CA1370**

**Petitioners:**

Javier Loya-Gallegos, on behalf of I.G., a minor child and Araceli Sanchez, on behalf of I.G., a minor child,

v.

**Respondent:**

Maria D. Aguilera Rodriguez.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC103, Arapahoe County District Court Case No. 20CV30350**

**Petitioner:**

Abade Irizarry,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 21SC111, Court of Appeals Case No. 19CA539**

**Petitioner:**

Melvin Darnell Randall,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC126, Court of Appeals Case No. 20CA1067**

**Petitioner:**

Craig S. Robledo-Valdez,

v.

**Respondents:**

Executive Director of the Colorado Department of Corrections and Warden of the Sterling Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC136, Court of Appeals Case No. 17CA355**

**Petitioner:**

Thomas Ludwig Fechtler,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

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**No. 21SC146, Court of Appeals Case No. 17CA1396**

**Petitioner:**

Philo Roberts-Bicking,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 21SC148, Court of Appeals Case No. 17CA766**

**Petitioner:**

Phillip David Luna,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC159, Court of Appeals Case No. 17CA2274**

**Petitioner:**

Albert Ricardo Loma, III,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC161, Court of Appeals Case No. 17CA2330**

**Petitioner:**

Gibran Fernando Ramirez-Jimenez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC381, Court of Appeals Case No. 20CA1268**

**Petitioner:**

M. H.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

M. H., II.

Petition for Writ of Certiorari DENIED. EN BANC.

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