

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 24, 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.

OPINIONS

[2021 CO 32](#)

Supreme Court Case No. 19SC664
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA1201

Petitioner:

Auto-Owners Insurance Company,

v.

Respondent:

Bolt Factory Lofts Owners Association Inc., a Colorado nonprofit corporation.

Judgment Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 33](#)

Supreme Court Case No. 20SC533
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1682

Petitioner/Cross-Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

K.C. and L.C.,

v.

Respondents/Cross-Petitioners:

K.C. and L.C.,

**and Concerning
Respondent:**

D.C.

Judgment Reversed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.
CHIEF JUSTICE BOATRIGHT concurs.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[**2021 CO 34**](#)

Supreme Court Case No. 21SA97
*Original Proceeding Pursuant to Article VI, Section 3 of the
Constitution of the State of Colorado*

**In Re: Interrogatory on House Bill 21-1164 Submitted by the Colorado General
Assembly.**

General Assembly's Interrogatory Answered
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.
JUSTICE SAMOUR concurs in the answer only.
CHIEF JUSTICE BOATRIGHT dissents.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 35](#)

Supreme Court Case No. 20SC6
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 16CA152

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Elmo Jesse Johnson.

Judgment Affirmed
en banc

JUSTICE BERKENKOTTER delivered the Opinion of the Court.
JUSTICE MÁRQUEZ dissents.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGES

[RULE CHANGE 2021\(07\)](#)

COLORADO RULES OF PROCEDURE REGARDING ATTORNEY DISCIPLINE AND DISABILITY PROCEEDINGS, COLORADO ATTORNEYS' FUND FOR CLIENT PROTECTION AND MANDATORY CONTINUING LEGAL EDUCATION AND JUDICIAL EDUCATION

Rules 241, 242, 242.1, 242.2, 242.3, 242.4, 242.5, 242.6, 242.7, 242.8, 242.9, 242.10, 242.11, 242.12, 242.13, 242.14, 242.15, 242.16, 242.17, 242.18, 242.19, 242.20, 242.21, 242.22, 242.23, 242.24, 242.25, 242.26, 242.27, 242.28, 242.29, 242.30, 242.31, 242.32, 242.33, 242.34, 242.35, 242.36, 242.37, 242.38, 242.39, 242.40, 242.41, 242.42, 242.43, 243, 243.1, 243.2, 243.3, 243.4, 243.5, 243.6, 243.7, 243.8, 243.9, 243.10, 243.11, 243.12, 243.13, 244, 244.1, 244.2, 244.3, 244.4, 251.1, 251.2, 251.3, 251.4, 251.5, 251.6, 251.7, 251.8, 251.8.5, 251.8.6, 251.9, 251.10, 251.11, 251.12, 251.13, 251.14, 251.15, 251.16, 251.17, 251.18, 251.19, 251.20, 251.21, 251.22, 251.23, 251.27, 251.28, 251.29, 251.30, 251.31, 251.32, 251.33, 251.34, and 253 **AND** 250.3, 250.7, 254, 255

Amended and Adopted by the Court, En Banc, May 20, 2021, effective for cases filed with the Presiding Disciplinary Judge or the Supreme Court on or after July 1, 2021, and as to all other matters covered by these rules, effective July 1, 2021.

[RULE CHANGE 2021\(08\)](#)

COLORADO CODE OF JUDICIAL CONDUCT

Rule 1.1

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

[RULE CHANGE 2021\(09\)](#)

COLORADO RULES OF JUDICIAL DISCIPLINE

Rules 2 and 33.5

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

[RULE CHANGE 2021\(10\)](#)

COLORADO RULES OF PROFESSIONAL CONDUCT

Rules 1.1, 1.3, 1.15D, 1.15E, 5.4, and 5.5

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[RULE CHANGE 2021\(11\)](#)

PUBLIC ACCESS TO INFORMATION AND RECORDS

Rule 2

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

[RULE CHANGE 2021\(12\)](#)

COLORADO RULES FOR MAGISTRATES

Rule 5

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

[RULE CHANGE 2021\(13\)](#)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO

Rules 202.2, 204.1, 204.2, 204.3, 204.4, 204.5, 204.6, 205.1, 205.2, 209.2, 210.2, 227

Amended and Adopted by the Court, En Banc, May 20, 2021, effective July 1, 2021.

ORIGINAL PROCEEDING

[21SA166](#)

In Re the Interest of G.A.

Order to Show cause issued May 21, 2021

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC928, Court of Appeals Case No. 17CA807

Petitioner:

Christopher Magana,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether fire is a deadly weapon that can make first degree arson a crime of violence under section 18-1.3-406, C.R.S. (2020).

[REFRAMED] Whether a defendant who set one fire can receive separate first-, second-, and fourth-degree arson convictions for each building or occupied structure damaged, each piece of personal property damaged, and each person endangered.

DENIED AS TO ALL OTHER ISSUES.

No. 21SC6, Court of Appeals Case No. 19CA546

Petitioner:

Saul Cisneros,

v.

Respondent:

Bill Elder, in his Official Capacity as Sheriff of El Paso County, Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals was correct to conclude that section 24-10-106(1.5)(b), C.R.S. (2020), of the Colorado Governmental Immunity Act does not waive sovereign immunity for intentional torts that result from the operation of a jail for claimants who are incarcerated but not convicted.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC775, Court of Appeals Case No. 17CA343

Petitioner:

Sharif Mubarak Abdulla,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC987, Court of Appeals Case No. 19CA1588

Petitioner:

Board of County Commissioners of the County of Montezuma,

v.

Respondent:

Montezuma Valley Irrigation Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC55, La Plata County District Court Case No. 20CV30070

Petitioner:

Thomas Keller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC56, Court of Appeals Case No. 17CA1303

Petitioner:

Daniel Rigg,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC58, Court of Appeals Case No. 17CA2051

Petitioner:

Lucas Michael Pekas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC61, Court of Appeals Case No. 17CA2047

Petitioner:

Rajohn Mohammed Ledbetter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC63, Court of Appeals Case No. 19CA1547

In re the Marriage of

Petitioner:

Ann Marie McMann,

and

Respondent:

Francis Walter Schriefer, Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC66, Court of Appeals Case No. 19CA838

Petitioner:

Monty Ray Turner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC78, Court of Appeals Case No. 18CA2399

Petitioner:

Ronald Dean Graff,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC246, Court of Appeals Case No. 20CA744

Petitioner:

M. F. P. S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

G. M. G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC311, Court of Appeals Case No. 20CA1542

Petitioner:

R. E.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

J. G. and A. E.,

and Concerning

S. G.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC312, Court of Appeals Case No. 20CA800

Petitioner:

A, M., a/k/a A.G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

J. G. and C. G.,

and Concerning

Respondent:

M. B., Special Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.
