

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, DECEMBER 6, 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.

ORIGINAL PROCEEDING

[21SA350](#) In Re People v. Sanchez, Veronica
Order to Show Cause issued on November 22, 2021

[21SA273](#) In Re Pacificorp v. Cross Mountain
Order issued on December 2, 2021

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC559, Court of Appeals Case No. 16CA446

Petitioner:

Rafael Perez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *People v. Weeks*, 20SC340, 2021 CO 75. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC285, Court of Appeals Case No. 17CA1133

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Robert James Rainey.

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

[REFRAMED] Whether the Sixth Amendment right to counsel of choice encompasses continued representation by a particular public defender once appointed.

[REFRAMED] Whether trial courts are required to apply and make record findings on the eleven-factor test from *People v. Brown*, 2014 CO 25, 322 P.3d 214, when assessing a defendant's request to continue a trial so that a particular public defender can continue to represent him.

DENIED AS TO ALL OTHER ISSUES.

No. 21SC388, Court of Appeals Case No. 18CA641

Petitioner:

The People of the State of Colorado,

v.

Respondent:

William Allen Davis.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the Sixth Amendment right to counsel of choice encompasses continued representation by a particular public defender once appointed.

[REFRAMED] Whether trial courts are required to apply and make record findings on the eleven-factor test from *People v. Brown*, 2014 CO 25, 322 P.3d 214, when assessing a defendant's request to continue a trial so that a particular public defender can continue to represent him.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC716, Court of Appeals Case No. 18CA874

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Ruben Miguel Montoya.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC253, Court of Appeals Case No. 18CA1150

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Tania Judith Ordonez-Perez.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC293, Court of Appeals Case No. 17CA2310

Petitioner:

Carl Rumph,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC337, Court of Appeals Case No. 19CA1424

Petitioner:

Michael Radermacher,

v.

Respondent:

Vincent Beer.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL and JUSTICE SAMOUR would grant as to the following issues:

Whether the court of appeals, by failing to consider the context and procedural history, erred by applying the wrong legal standard when interpreting the Rule 56(h) order and by holding that Radermacher's failure to appeal the 56(h) order was fatal.

Whether, when an appellate court raises a new issue sua sponte, counsel for all parties should be afforded a full and fair opportunity to brief the new issue before it is finally determined, and whether the court of appeals erred by failing to give petitioner such an opportunity.

No. 21SC423, Court of Appeals Case No. 19CA1903

Petitioner:

Craig S. Robledo,

v.

Respondent:

Executive Director of the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC424, Court of Appeals Case No. 19CA2182

Petitioner:

Keith Enderson,

v.

Respondent:

Gregory S. Bell.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC439, Court of Appeals Case No. 17CA2367

Petitioner:

Carlos Rene Trejo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC442, Court of Appeals Case No. 19CA2081

In Re the Estate of Adelaide Mestres Everhart, deceased.

Petitioner:

Richard E. Everhart, Jr. and Jack F. Everhart, Jr.,

v.

Respondent:

Christopher Buchanan Everhart, Personal Representative; Christopher B. Everhart, Jr.;
and Parris Alessandra Everhart.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC518, Court of Appeals Case No. 17CA2214

Petitioner:

John Walch,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC529, District Court, City and County of Denver Case No. 20CV30436

Petitioner:

Elizabeth Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC534, Court of Appeals Case No. 17CA478

Petitioner:

Christopher Lee Kessler-Tiffany,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC536, Court of Appeals Case No. 18CA1748

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Michael Khotprathoum.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC539, Court of Appeals Case No. 17CA2076

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

J. R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC552, Boulder County District Court Case No. 20CV30863

Petitioner:

Callie Brinley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC574, Court of Appeals Case No. 19CA43

Petitioner:

Ernesto Martinez Salas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC579, Court of Appeals Case No. 17CA142

Petitioner:

Miguel David Sanders, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE BERKENKOTTER do not participate.

No. 21SC586, Court of Appeals Case No. 18CA707

Petitioner:

Darallis Trone Bell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC591, Court of Appeals Case No. 18CA113

Petitioner:

Victor Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC592, Court of Appeals Case No. 18CA484

Petitioner:

Zachary Myers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
