

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 15, 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 17](#)

Supreme Court Case No. 20SC585
C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1130
District Court, City and County of Denver, Case No. 19CV30973
Honorable David H. Goldberg, Judge

Petitioners:

Cindi Markwell, Secretary of the Senate; and Leroy M. Garcia, Jr., President of the Senate,

v.

Respondents:

John B. Cooke, Senator; Robert S. Gardner, Senator; and Chris Holbert, Senate Minority Leader.

Judgment Affirmed in Part and Reversed in Part
en banc

JUSTICE SAMOUR delivered the Opinion of the Court.

JUSTICE MÁRQUEZ dissents, and **JUSTICE HOOD** and **JUSTICE HART** join in the dissent.

JUSTICE HOOD dissents, and **JUSTICE MÁRQUEZ** and **JUSTICE HART** join in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDING

[21SA79](#)

In Re People v Brown, George
Order to Show Cause issued March 11, 2021

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC583, Court of Appeals Case No. 18CA2025

Petitioner/Cross-Respondent:

The People of the State of Colorado,
v.

Respondent/Cross-Petitioner:

Patrick Rau.

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

[REFRAMED] Whether the court of appeals erred by declining to follow the decision in *People v. Cushinberry*, 855 P.2d 18 (Colo. App. 1992), and holding that the basement in question was a “dwelling” for purposes of the “make-my-day” statute, section 18-1-704.5, C.R.S. (2020).

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC853, Court of Appeals Case No. 18CA2050

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Palmer Gilbert.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the district court abused its discretion in concluding that defense counsel lacked good cause under section 16-8-106, C.R.S. (2020) for his untimely notice of intent to introduce mental condition evidence.

[REFRAMED] Whether the court of appeals erred in remanding the case for further findings pursuant to *People v. Brown*, 2014 CO 25, 322 P.3d 214, rather than conducting the balancing test itself based on the existing record.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC554, Court of Appeals Case No. 16CA2157

In the Matter of Joanne Black, Protected Person

Petitioners:

Bernard Steven Black, individually and as Trustee for the Supplemental Needs Trust for the Benefit of Joanne Black and Samuel Black, as Co-Trustee for the Supplemental Needs Trust for the Benefit of Joanne Black,

v.

Respondent:

Joanne Black, Protected Person,
and

Guardian Ad Litem:

Guardian Ad Litem for Joanne Black.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC669, Court of Appeals Case No. 17CA42

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

D.F.A.E.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC736, Court of Appeals Case No. 19CA500

Petitioner:

Taghavi, Inc.,

v.

Respondents:

Jefferson County Board of County Commissioners; Murphy Oil USA, Inc.; and
Blakeland Drive Investors LLP-IV.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC838, Court of Appeals Case No. 20CA54

Petitioners:

RXDC LP, a Texas limited partnership; KMG Marketing, LLC, a Texas limited liability company; Jim Prendergast; and William Francis,

v.

Respondents:

Pharmastrategies LLC, a Colorado limited liability company; and Larry Krug.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC876, Court of Appeals Case No. 19CA1415

Petitioner:

Victor Manuel Hierro,

v.

Respondents:

County Court for Adams County, Colorado, and Honorable Martin Jeffery Flaum II, one of the judges thereof.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC919, Court of Appeals Case No. 17CA1453

Petitioner:

Sarah Berry,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC926, Court of Appeals Case No. 18CA996

Petitioner:

Albert Ferguson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC935, Court of Appeals Case No. 17CA2052

Petitioner:

Erman Gunn, II,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC936, Court of Appeals Case No. 16CA189

Petitioner:

Christopher Dean Clutter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC937, Court of Appeals Case No. 18CA2321

Respondent:

The People of the State of Colorado,

v.

Petitioner:

Lucos John Schultz.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC938, Court of Appeals Case No. 17CA2

Petitioner:

Paul Brian Burman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC940, Court of Appeals Case No. 18CA1583

Petitioner:

James Edward McDaniels,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC941, Court of Appeals Case No. 16CA1987

Petitioner:

Fredrick L. Patterson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC946, Court of Appeals Case No. 19CA995

Petitioner:

Justin Casey Schaaf,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC948, Court of Appeals Case No. 18CA1968

Petitioner:

Michael Z. Zenzen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC86, Court of Appeals Case No. 20CA758

Petitioner:

C. M. R. f/k/a C. M. S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

O. J. R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC112, Court of Appeals Case No. 20CA897

Petitioner:

B. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L. B.-H.-P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC115, Court of Appeals Case No. 20CA859

Petitioner:

R. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

R. J. B.

Petition for Writ of Certiorari DENIED. EN BANC.
