

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
Monday, April 11, 2022

"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

[**2022 CO 16**](#)

Supreme Court Case No. 22SA10
Interlocutory Appeal from the District Court
Weld County District Court Case No. 20CR1319
Honorable Marcelo Kopcow, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Joe Lewis Ramos.

Order Affirmed
en banc

PER CURIAM.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 17](#)

Supreme Court Case No. 21SC62
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1816

In re the Marriage of

Petitioner:

Robert J. Mack,

and

Respondent:

Deborah B. Mack.

Judgment Affirmed
en banc

CHIEF JUSTICE BOATRIGHT delivered the Opinion of the Court, in which **JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 18](#)

Supreme Court Case No. 21SC232
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA170

Petitioner:

Arapahoe County Department of Human Services,

v.

Respondents:

Monica Velarde and Michael Moore.

Judgment Reversed
en banc

JUSTICE SAMOUR delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART,** and **JUSTICE BERKENKOTTER** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

[2022 CO 13M](#)

Supreme Court Case No. 21SC6
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA546

Petitioner:

Saul Cisneros,

v.

Respondent:

Bill Elder, in his official capacity as Sheriff of El Paso County, Colorado.

Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2022 CO 14

Supreme Court Case No. 21SA308

Original Proceeding Pursuant to C.A.R. 21

Weld County District Court Case Nos. 15CR74, 16CR671, 18CR273 & 18CR686

Honorable Timothy G. Kerns, Judge

**In Re
Plaintiff:**

The People of the State of Colorado,

v.

Defendant:

Jared Cortes-Gonzalez.

Petition for Rehearing DENIED. EN BANC.

RULE CHANGE

[RULE CHANGE 2022\(07\)](#)

THE COLORADO RULES FOR CIVIL INFRACTIONS

Chapter 29.9

Rules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13.5, 14, 15, 16, 17, and 18; Forms A and B
Amended and Adopted by the Court, En Banc, April 7, 2022, effective immediately.

ORIGINAL PROCEEDINGS

[22SA73 In Re In the interest of A.C.](#)

Order to Show Cause issued April 1, 2022

[22SA71 In Re In the interest of A.S.M.](#)

Order to Show Cause issued April 4, 2022

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC338, Court of Appeals Case No. 17CA1126

Petitioner:

Kenneth G. Benally,

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 *Tibbels v. People*, 20SC22, 2022 CO 1. EN BANC.

No. 21SC473, Court of Appeals Case No. 17CA1911

Petitioner:

Rafael Aguilar Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether section 18-1-303, C.R.S. (2021), barred the defendant's prosecution for a Colorado offense after he was prosecuted in Mexico for his conduct in Colorado.

[REFRAMED] Whether double jeopardy barred the defendant's second prosecution because the dual sovereignty doctrine did not apply.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC512, Court of Appeals Case No. 20CA81

Petitioner:

Jose Luis Dominguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a defendant is eligible for probation under the probation eligibility statute, section 18-1.3-201(2.5)(b)(I)-(XII), C.R.S. (2021), if he has never been convicted of one of the statute's enumerated Colorado felonies.

Whether, if foreign convictions satisfy the enumerated-offense requirement of the probation eligibility statute, the foreign offense can be broader than the enumerated Colorado offense.

No. 21SC662, Court of Appeals Case No. 14CA1446

Petitioner:

Timothy John Kennedy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a trial judge may depart from Rule 31(d) and ask additional questions if a juror's response to the polling is equivocal, ambiguous, or otherwise unclear, and if so, whether the judge's questions must be neutral.

[REFRAMED] Whether, under *Wend v. People*, 235 P.3d 1089, 1096 (Colo. 2010), plain error occurs at closing argument where a prosecutor inaccurately states that the record includes key eyewitness testimony.

[REFRAMED] Whether there is reversible error under *Salas v. People*, 493 P.3d 1356 (1972) when a witness reveals that a jury convicted the defendant of the same crime in a prior proceeding.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC898, Court of Appeals Case No. 18CA1372

Petitioner:

Anthony Joseph Ianne,

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 *Rojas v. People*, 20SC399, 2022 CO 8. EN BANC.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC540, Court of Appeals Case No. 21CA55

Petitioners:

Above the Clouds Enterprises, Inc. d/b/a Historic Triple B Ranch; Stand Firm LLP; Aspen Ridge View, LLLP; Bluebonnet Bell, LLLP; Casa Del Alamo, LLLP; Drinkwater Ridge, LLLP; Eagles Nest, LLLP; Elk Ridge View, LLLP; TD and B Corner, LLLP; and Wrangler's Ridge, LLLP;

v.

Respondent:

Jay A. Baker.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC550, Court of Appeals Case No. 19CA1849

Petitioners:

Wal-Mart Store, Inc., No. 1231; Sam's West, Inc., No. 4745; and Wal-Mart Store, Inc., No. 4747,

v.

Respondents:

Adams County Board of Equalization and the Board of Assessment Appeals.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC587, Court of Appeals Case No. 18CA2424

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Joseph Alan Yost.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC634, Court of Appeals Case No. 18CA776

Petitioner:

The People of the State of Colorado,

v.

Respondent:

David Alberto Garcia.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC650, Court of Appeals Case No. 17CA1465

Petitioner:

Billy Raymond Counterman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC655, Court of Appeals Case No. 19CA1394

Petitioner:

Fayanne Morosini,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC683, Court of Appeals Case No. 18CA480

Petitioner:

Steven Curtis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC700, Court of Appeals Case No. 20CA1179

Petitioner:

Town of Vail, a Colorado home rule municipality,

v.

Respondents:

Village Inn Plaza-Phase V Condominium Association, a Colorado non-profit corporation; Richard L. Liebhaber, an individual; Steve Cady, an individual; Griffin Development, LLC, a Texas limited liability company; Chris J. Anderson, an individual; Jennifer A. Anderson, an individual; John J. Glenn, an individual; Leslie D. Glenn, an individual; VVI, LLC, a Colorado limited liability company; Karin Wagner, as Trustee for the Karin Wagner Revocable Inter Vivos Trust; Potamus Bean, LLC, a Texas limited liability company; Meadow Drive Ventures, Inc., a Colorado corporation; Staufer Commercial, LLC, a Colorado limited liability company; and Vail Village Inn, Inc., a Colorado corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC701, Court of Appeals Case No. 20CA101

Petitioner:

335 Lake Ave., LLC,

v.

Respondent:

Bank of America.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC706, Court of Appeals Case No. 20CA835

Petitioner:

James Arthur Martin,

v.

Respondent:

Sharon Rose Dumas f/k/a Sharon Martin.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC751, Court of Appeals Case No. 18CA780

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Michael Anthony Dupont.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC879, Court of Appeals Case No. 18CA1799

Petitioner:

Joseph William Barela,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC897, Court of Appeals Case No. 20CA501

Petitioner:

Louis Matthew Jett,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC903, Court of Appeals Case No. 19CA1572

Petitioner:

Jaime Alonso Morales Zapata,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC909, Court of Appeals Case No. 19CA1970

Petitioner:

Scott Walker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC913, Court of Appeals Case No. 19CA959

Petitioner:

Amilcar Leonel Esquivel-Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC921, Court of Appeals Case No. 19CA24

Petitioner:

Teral Stafin Lee,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC926, Court of Appeals Case No. 19CA1391

Petitioner:

Jake Ricker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC927, Court of Appeals Case No. 20CA719

Petitioner:

Chad Allen Disher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC929, Court of Appeals Case No. 20CA235

Petitioner:

Joseph Allen Collins, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC937, El Paso County District Court Case No. 21CV30601

Petitioner:

Tyler Bradley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC941, Court of Appeals Case No. 20CA1046

Petitioner:

Gabriel Gonzalez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC944, Court of Appeals Case No. 19CA1829

Petitioner:

Lynn Shadow Schneider,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC1, Court of Appeals Case No. 19CA1239

Petitioner:

Joseph Benjamin Snodgrass,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC11, Court of Appeals Case No. 19CA714

Petitioner:

Jacob Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 22SC17, Court of Appeals Case No. 18CA1753

Petitioner:

Vincent Fernando Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC19, Court of Appeals Case No. 18CA2390

Petitioner:

Raul Alejandro Paz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC22, Court of Appeals Case No. 19CA607

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

L. B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC25, Court of Appeals Case No. 18CA1529

Petitioner:

Kenneth Michael Weber,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 22SC28, Court of Appeals Case No. 20CA180

Petitioner:

John Alexander Purcell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC30, Court of Appeals Case No. 18CA382

Petitioner:

Kenneth Miles Ueding,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**No. 22SC148, Court of Appeals Case Nos. 21CA374, 21CA375
& 21CA376**

Petitioners:

B. B. and M. B.,

v.

Respondents:

The People of the State of Colorado,

B. R. B., D. B., and M. J. B

Petitions for Writ of Certiorari DENIED. EN BANC.
