

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 6, 2023**

"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

[2023 CO 10](#)

Supreme Court Case No. 22SA254
Interlocutory Appeal from the District Court
Boulder County District Court Case No. 21CR1741
Honorable Dea M. Lindsey, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Brent A. Willoughby.

Order Reversed

en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023

[2023 CO 11](#)

Supreme Court Case No. 21SC885
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA641

Petitioners:

Colorado State Board of Education and Douglas County School District RE-1,

v.

Respondents:

Judy A. Brannberg and John Dewey Institute, Inc.

Judgment Reversed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023

PETITIONS FOR REHEARING

[2023 CO 3M](#)

Supreme Court Case No. 22SA282
Original Proceeding Pursuant to C.A.R. 21
Arapahoe County District Court Case No. 20JV540
Honorable Don Toussaint, Judge

In Re
Petitioner:

The People of the State of Colorado,

In the Interest of

Child:

L.S.,

and Concerning

Respondents:

G.L.A. and D.S.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023

RULE CHANGE

[RULE CHANGE 2023\(04\)](#)

PUBLIC ACCESS TO INFORMATION AND RECORDS

Rule 2

Amended and Adopted by the Court, En Banc, March 2, 2023, effective immediately.

ORIGINAL PROCEEDINGS

[22SA388](#) In re People v. Maez, Christopher
Order issued February 28, 2023

[23SA63](#) In Re the Marriage of Webb-Galarza and Strong
Order to show cause issued March 3, 2023

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023*

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC499, Court of Appeals Case No. 20CA1545

Petitioner:

University of Denver,

v.

Respondent:

John Doe.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a sexual misconduct policy required by federal and Colorado law can constitute a contract between an institution of higher education and its students.

[REFRAMED] Whether a statement in a university's sexual misconduct policy that student sexual misconduct investigations will be "thorough, impartial and fair" is sufficiently definite to support a claim for breach of contract.

[REFRAMED] Whether a statement that student sexual misconduct investigations will be "thorough, impartial and fair" in a university's procedures is sufficiently definite to support a claim for breach of the implied covenant of good faith and fair dealing.

[REFRAMED] Whether a university owes its students a duty in tort to adopt fair policies and procedures for investigating and adjudicating claims of student sexual misconduct and to exercise reasonable care in following those procedures.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023*

No. 22SC580, Court of Appeals Case No. 18CA1409

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Glen Gary Montoya.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the definition of “refusal” or “refusal by noncooperation” under the expressed consent statute for administrative driver’s license revocation is applicable in a criminal DUI trial.

[REFRAMED] Whether the court of appeals erred in holding that the prosecution was required to present evidence, in his criminal trial for driving under the influence, that defendant claimed he was willing to take a blood test after he had previously agreed but then refused to submit to one.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023

No. 22SC589, Court of Appeals Case No. 20CA629

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Charles James Crabtree.

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

[REFRAMED] Whether the court of appeals erred in using a plain-error standard in light of *Linnebur v. People*, 2020 CO 79M, 476 P.3d 734.

Whether the court of appeals erred in holding that under plain error, it does not matter whether the law was settled at the time the error occurred, so long as the error is “obvious” at the time of appeal, in contravention of this court’s holding in *Scott v. People*, 2017 CO 16.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC440, Court of Appeals Case No. 20CA824

Petitioner:

Kalhille Marquise Blackwood,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC452, Court of Appeals Case No. 20CA1452

Petitioner:

Z'varrez Keaton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 22SC512, Court of Appeals Case No. 20CA1926

Petitioner:

Scott Pack,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari. DENIED. EN BANC.

No. 22SC619, Court of Appeals Case No. 19CA1552

Petitioner:

Diamante Perla Giron,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023*

No. 22SC622, Court of Appeals Case No. 21CA223

Petitioners:

Michael Caetano and Marc Bruner,

v.

Respondent:

Nation SLP, LLC.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 22SC707, Court of Appeals Case No. 20CA973

Petitioner:

Ismael Dominguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC709, Court of Appeals Case No. 19CA1473

Petitioner:

Joseph Pierre Lovato,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC713, Court of Appeals Case No. 20CA1992

Petitioner:

Patrick Duray Portley-El,

v.

Respondent:

Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023*

No. 22SC714, Court of Appeals Case No. 19CA2340

Petitioner:

Jimmy Carl Adams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC715, Court of Appeals Case No. 19CA128

Petitioner:

Jaime Gene Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC718, Court of Appeals Case No. 19CA1316

Petitioner:

Ryan Austin Lee,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC722, Court of Appeals Case No. 20CA709

Petitioner:

Kenneth Ray Wade,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MARCH 6, 2023*

No. 22SC723, Court of Appeals Case No. 19CA1902

Petitioner:

Kerry Lance Cournoyer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC724, Court of Appeals Case No. 19CA1382

Petitioner:

Michael Francis Montgomery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC726, Pueblo County District Court Case No. 22CV30034

Petitioner:

Alvaro Valencia-Jurado,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC728, Court of Appeals Case No. 21CA943

Petitioner:

Michael Farrow,

v.

Respondent:

Executive Director of the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC729, Court of Appeals Case No. 18CA2336

Petitioner:

Dominique Deshon Harrison,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC731, Court of Appeals Case No. 18CA1665

Petitioner:

Cordero J. Santos,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC732, Court of Appeals Case No. 19CA398

Petitioner:

Ryan Lee Leensvaart,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC733, Court of Appeals Case No. 20CA579

Petitioner:

Kamiko David Miles,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC735, Court of Appeals Case No. 19CA1646

Petitioner:

Alexander William Medina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC736, Court of Appeals Case No. 18CA2340

Petitioner:

Shawn Craig Shield, a/k/a Shawn Craig Shields,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT does not participate.

No. 22SC739, Court of Appeals Case No. 19CA399

Petitioner:

Shane Martin Hackney,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC740, Court of Appeals Case No. 19CA1330

Petitioner:

Juan Jose Figueroa, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC741, Court of Appeals Case No. 20CA2123

Petitioner:

Guadalupe Pete Delgado,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC752, Court of Appeals Case No. 19CA1317

Petitioner:

Brian Paul Vergari,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
