

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 9, 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 1](#)

Supreme Court Case No. 22SA195
Original Proceeding Pursuant to C.A.R. 21
Boulder County District Court Case No. 22CV30257
Honorable Andrew Hartman, Judge

**In Re
Plaintiff:**

Floyd Nelson,

v.

Defendant:

Encompass PAHS Rehabilitation Hospital, LLC d/b/a Encompass Health
Rehabilitation Hospital of Littleton.

Rule Made Absolute
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 2](#)

Supreme Court Case No. 22SA264
Original Proceeding Pursuant to C.A.R. 21
Boulder County District Court Case No. 22CV30294
Honorable Patrick Butler, Judge

In Re
Plaintiffs:

Patricia McMichael and Lynette McMichael,

v.

Defendant:

Encompass PAHS Rehabilitation Hospital, LLC d/b/a Encompass Health
Rehabilitation Hospital of Littleton.

Rule Discharged
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JANUARY 9, 2023

PETITIONS FOR REHEARING

2022 CO 56

Supreme Court Case No. 20SC865
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1360

Petitioner:

James Woo,

v.

Respondents:

El Paso County Sheriff's Office and Fourth Judicial District Attorney's Office.

Petition for Rehearing DENIED. EN BANC.

RULE CHANGE

[RULE CHANGE 2023\(01\)](#)

COLORADO PROBATE CODE FORMS

Forms 785, 800, 805, 822, 824, 825, 826, 827, 828, 834, 846, 850, 862, 865, 866, 877, 878, 882, 883, 885, 910, 920, 921, 926, 940, 970, 971, 990, and 991

Amended and Adopted by the Court, En Banc, January 5, 2023, effective immediately.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JANUARY 9, 2023

ORIGINAL PROCEEDING

[23SA2 In Re People v. Smith, Jerrelle](#)
[Order to Show Cause issued January 6, 2023.](#)

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC313, Court of Appeals Case No. 19CA340

Petitioner:

Reginald Keith Clark,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the trial court’s erroneous denial of a defendant’s for-cause challenge to a juror who expressed racial bias was harmless or structural error.

Whether a juror’s comments during deliberations, that she learned from a judge in prior jury service that jurors must deliberate indefinitely until a unanimous verdict is reached, constitute “extraneous prejudicial information” under CRE 606(b).

DENIED AS TO ALL OTHER ISSUES.

HELD PETITIONS FOR WRIT OF CERTIORARI

No. 22SC853, Weld County Board of Equalization v. MLS Properties LLC

Held pending 22SC797, *Hunter Douglas Inc. v. City & County of Broomfield Board of Equalization*; 22SC798, *MJB Motels LLC v. County of Jefferson Board of Equalization*; 22SC799, *Educhildren LLC v. County of Douglas Board of Equalization*; 22SC800, *Larimer County Board of Equalization v. 1303 Frontage Holdings LLC*.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC955, Court of Appeals Case No. 20CA606

Petitioner:

Gerald Romero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC237, Court of Appeals Case No. 19CA469

In re the Marriage of

Petitioner:

Jonathan Roddy,

and

Respondent:

Kristin Morelli,

and Concerning

Jayne Roddy.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 22SC240, Court of Appeals Case No. 19CA221

Petitioner:

Jacob Monroe Anglon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JANUARY 9, 2023*

No. 22SC253, Court of Appeals Case No. 18CA1198

Petitioner:

Yonas Ande,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC363, Court of Appeals Case No. 18CA527

Petitioner:

Deandre Vonte Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC390, Court of Appeals Case No. 20CA2153

Petitioner:

Frank Gallegos,

v.

Respondent:

City of Wheat Ridge, Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC423, Court of Appeals Case No. 19CA181

Petitioner:

Jack Evans McBride,

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. 22SC494, Court of Appeals Case No. 20CA2129

Petitioner:

Thomas Eric Espinoza,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC496, Arapahoe County District Court Case No. 21CV30145

Petitioner:

Jennifer Pauls,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC500, Court of Appeals Case No. 18CA2429

Petitioner:

David Thomas Renner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC501, Court of Appeals Case No. 20CA1049

Petitioner:

Kenneth O'Hanlon,

v.

Respondents:

Edson B. Hutchinson, David Palm, Lawrence Crane, Paul Zorn, Michael Cohig, Michael Fossenier, Jared Pertsche, Jimmy Shiau, Estate of Kenneth Jenny, John Rowles, Eric Roland, Stuart Mann, Joshua Maximon, Thomas Grasseschi, Diana Payne, and Ronald C. Wilcox.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC502, Court of Appeals Case No. 19CA1679

Petitioner:

Stephen Wayne Fichter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC506, Court of Appeals Case No. 18CA126

Petitioner:

Lloyd Rickey Henderson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC509, Court of Appeals Case No. 18CA1947

Petitioner:

Larry Todd Andrews,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC516, Court of Appeals Case No. 20CA898

Petitioner:

Gary Sanders, 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. 22SC517, Court of Appeals Case No. 21CA326

In re the Parental Responsibilities Concerning B.B., a Child

Petitioner:

William Muhr,
and

Respondent:

Dawna Braswell.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC522, Court of Appeals Case No. 20CA36

Petitioner:

Victor J. Hernandez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC523, Court of Appeals Case No. 21CA1869

Petitioner:

S.S.-El,
v.

Respondent:

The People of the State of Colorado,

In the Interest of

Child:

S.O.S.-El.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC525, Court of Appeals Case No. 18CA1372

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Anthony Joseph Ianne.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC526, Court of Appeals Case No. 20CA1160

Petitioner:

Debra A Paulison,
v.

Respondent:

Mark A. Preiss, as Personal Representative of the Estate of Steven W. Preiss.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC527, Court of Appeals Case No. 19CA1852

Petitioner:

George John Harris,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC533, Court of Appeals Case No. 19CA2116

Petitioner:

Jzell James Gilbert,
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. 22SC537, Court of Appeals Case No. 20CA2013

Petitioner:

Freund Investments, LLC, a Colorado limited liability company,

v.

Respondent:

CORE Electric Cooperative, a Colorado cooperative electric association and nonprofit corporation, f/k/a Intermountain Rural Electric Association.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC538, Court of Appeals Case No. 20CA267

Petitioner:

Shane Michael Martin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC539, Court of Appeals Case No. 22CA590

Petitioner:

Craig S. Robledo,

v.

Respondents:

Colorado Board of Parole, Michelle Geng, Chad Dilworth, and Brandon Mathews.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC541, Court of Appeals Case No. 19CA1055

Petitioner:

Adrian Samuel Arratia,

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. 22SC548, Court of Appeals Case No. 22CA603

Petitioner:

Adam Salter,

v.

Respondent:

Discover Health, LLC a/k/a Discover CBD and Colorado Civil Rights Division.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC865, Court of Appeals Case No. 22CA620

Petitioner:

R.A.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Child:

A.A.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC888, Court of Appeals Case No. 22CA290

Petitioner:

R.V.

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Children:

S.T. and L.T.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC890, Court of Appeals Case No. 21CA1655

Petitioner:

C.D.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Children:

J.D., N.D., and A.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC891, Court of Appeals Case No. 22CA353

Petitioner:

P.R.D.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Child:

J.E.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC901, Court of Appeals Case No. 22CA655

Petitioner:

H.A.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Child:

M.M.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC903, Court of Appeals Case No. 22CA235

Petitioner:

B.R.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Children:

E.C., A.C., Eh.C., and A.N.

and Concerning:

F.N.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC904, Court of Appeals Case No. 22CA575

Petitioner:

A.S.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Children:

I.S., M.P. and A.A.S.,

and Concerning:

E.P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC910, Court of Appeals Case No. 22CA619

Petitioner:

B.R.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Children:

E.P. and D.P.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC915, Court of Appeals Case No. 22CA499

Petitioner:

T.G.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Child:

V-J.G.,

and Concerning:

T.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC917, Court of Appeals Case No. 22CA23

Petitioner:

J.R.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Children:

J.B., N.B., I.B., and B.B.,

and Concerning:

J.B. and B.B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC943, Court of Appeals Case No. 22CA528

Petitioner:

E.G.,

v.

Respondent:

The People of the State of Colorado

In the Interest of Minor Child:

J.G.

Petition for Writ of Certiorari DENIED. EN BANC.
