

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, FEBRUARY 13, 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.

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**CERTIORARI DENIED AS IMPROVIDENTLY GRANTED**

**21SC745** Cruz, J. v. People  
Court issued order on February 9, 2023

**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 22SC562, Court of Appeals Case No. 19CA2359**

**Petitioner/Cross-Respondent:**

Anthony Robert Smith,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

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

Whether the postconviction court correctly held that defendant waived his pro se claims where the claims were conclusory and defense counsel pursued other claims but not these.

[REFRAMED] Whether defense counsel, as captain of the ship, may decline to pursue and abandon individual pro se claims absent defendant's informed consent to such abandonment.

[REFRAMED] Whether abandonment of individual postconviction claims required a showing of an intent to abandon such claims.

DENIED AS TO ALL OTHER ISSUES.

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

**No. 22SC605, Court of Appeals Case No. 22CA738**

**Petitioners:**

Steven M. Bush and Steven M. Bush, P.C.,

v.

**Respondent:**

Christopher R. Spivey.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC610, Court of Appeals Case No. 20CA1788**

**Petitioner:**

Derek Shane Webb,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC611, Court of Appeals Case No. 20CA1983**

**Petitioner:**

Frank Placencia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC612, Court of Appeals Case No. 21CA206**

In the Matter of Mendy Brockman Disability Trust,

**Petitioner:**

Jason Brockman, as Trustee of the Mendy Brockman Disability Trust,

v.

**Respondent:**

Colorado Department of Health Care Policy and Financing.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC613, Court of Appeals Case No. 19CA161**

**Petitioner:**

Brent M. Kelley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC614, Court of Appeals Case No. 19CA1230**

**Petitioner:**

Shane Aaron Guthrie,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC615, Court of Appeals Case No. 18CA2319**

**Petitioner:**

Larry Gene Lancaster,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC616, Court of Appeals Case No. 21CA415**

**Petitioner:**

Catamount Energy Partners LLC, a Delaware LLC,

v.

**Respondent:**

Ensign United States Drilling, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC623, Court of Appeals Case No. 20CA185**

**Petitioner:**

Hanoi Eduardo Cano,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC625, Court of Appeals Case No. 19CA1607**

**Petitioner:**

Lawrence Johnson, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC626, Court of Appeals Case No. 20CA92**

**Petitioner:**

Daniel Duane Tague,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC628, Court of Appeals Case No. 19CA954**

**Petitioner:**

Christine Elizabeth Walsh,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC33, Court of Appeals Case No. 22CA201**

**Petitioner:**

Z.M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

El.M. and Ev.M.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC34, Court of Appeals Case No. 22CA847**

**Petitioners:**

J.F. and C.S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

J.R.-F.

Petitions for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC36, Court of Appeals Case No. 22CA871**

**Petitioner:**

S.W.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

A.W. and S.W.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC40, Court of Appeals Case No. 22CA1954**

**Petitioner:**

D.W.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

M.W.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE GABRIEL would grant as to the following issue:

Whether the court of appeals improperly dismissed DW's appeal of the trial court's dispositional order for lack of a final, appealable judgment where DW initially appealed the trial court's adjudication and dispositional orders, prevailed on appeal, and then sought to timely appeal the trial court's dispositional order following remand.

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