

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 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 15](#)

Supreme Court Case No. 21SA181
Appeal from the District Court
Garfield County District Court Case No. 19CR161
Honorable James B. Boyd, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Alfred Elias Moreno.

Order Affirmed

en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC505, Court of Appeals Case No. 17CA2058

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Theodore Israel Madrid.

Petition for Writ of Certiorari GRANTED. EN BANC.

JUSTICE SAMOUR does not participate.

Whether a trial court, when conducting remand proceedings under *Batson v. Kentucky*, 476 U.S. 79 (1986), and *People v. Rodriguez*, 2015 CO 55, may consider additional evidence necessary to complete each step of the *Batson* analysis.

No. 21SC564, Court of Appeals Case No. 17CA1910

Petitioner:

Cristobal Fernando Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether, as a matter of first impression, the jury must receive an instruction defining the “universal malice” element of extreme indifference murder.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC372, Court of Appeals Case No. 18CA1139

Petitioner/Cross-Respondent:

Eric William Grant,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

JUSTICE HOOD and JUSTICE GABRIEL would grant as to the following issue:

Whether the court of appeals erred when it held that the trial court's remedy of a suppression hearing was adequate to cure the prejudice to the defense from the prosecution's untimely disclosure, on the seventh day of trial, of an inculpatory statement Petitioner made to police several months before trial.

No. 21SC588, Court of Appeals Case No. 20CA1475

Petitioner:

Timothy Browne,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado and City of Colorado Springs, Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD and JUSTICE GABRIEL do not participate.

No. 21SC710, Court of Appeals Case No. 18CA919

Petitioner:

Salvador Madera-Reyes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC820, Court of Appeals Case No. 18CA488

Petitioner/Cross-Respondent:

James Anthony Draper,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 21SC851, Court of Appeals Case No. 18CA658

Petitioner:

Rene Jean Moroe,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC858, Court of Appeals Case No. 18CA795

Petitioner:

Leyonte Chandler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC859, Adams County District Court Case No. 21CV3091

Petitioner:

Rodrigo Perez-Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC860, Adams County District Court Case No. 21CV30640

Petitioner:

Kyle Burroughs Kraakevik,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC861, Court of Appeals Case No. 18CA2058

Petitioner:

Kevin Lee McClearen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC862, Court of Appeals Case No. 19CA820

Petitioner:

Calil Jamari Witherspoon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC863, Court of Appeals Case No. 19CA549

Petitioner:

Marlow Lee Dalton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC880, Court of Appeals Case No. 19CA1874

Petitioner:

William Leviathan Woodley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC886, Court of Appeals Case No. 19CA758

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

J.C.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC888, Court of Appeals Case No. 18CA1407

Petitioner:

Johnnie Joe Ellifritz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC892, Court of Appeals Case No. 20CA1478

Petitioner:

Mark Pennington,

v.

Respondent:

Maria Barry.

Petition for Writ of Certiorari DENIED. EN BANC.
