

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JULY 25, 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.

PETITIONS FOR REHEARING

2022 CO 32

Supreme Court Case No. 20SC947
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1243

Petitioner:

Ford Motor Company,

v.

Respondent:

Forrest Walker.

Petition for Rehearing DENIED. EN BANC.

JUSTICE MÁRQUEZ and **JUSTICE HART** would grant the petition.

JUSTICE BERKENKOTTER does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC765, Court of Appeals Case No. 19CA1196

Petitioner:

Delano Marco Medina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a guilty plea entered pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), but without strong evidence of guilt, violates due process.

No. 21SC771, Court of Appeals Case No. 18CA792

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jacob Vanderpauye.

Petition for Writ of Certiorari GRANTED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

Whether, or under what circumstances, a criminal defendant's self-serving hearsay is inadmissible.

Whether the court of appeals erred in holding the defendant's statement fit under the excited utterance exception to the hearsay rule and exclusion of that statement warranted reversal of his rape conviction.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022

No. 21SC796, Court of Appeals Case No. 18CA1487

Petitioner:

Trevor A. Pellegrin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in concluding section 18-1-408(5)(c), C.R.S. (2021), creates a “single distinction” test, meaning that because harassment differs from stalking only insofar as a less serious injury and lesser kind of culpability suffice to prove harassment, the offenses do not merge.

Whether the federal and state constitutions require that a jury make a domestic violence finding subjecting the defendant to an increased penalty.

DENIED AS TO ALL OTHER ISSUES.

No. 22SC213, Court of Appeals Case No. 21CA346

Petitioners:

The People of the State of Colorado and Guardian Ad Litem for E.B.,

In the Interest of Minor Child:

E.B.,

and Concerning Respondent:

R.B.

Petitions for Writ of Certiorari GRANTED. EN BANC.

Whether due process requires juvenile courts to grant a continuance for respondent parents to personally appear at a virtual hearing when counsel appears on the parent’s behalf, even in the absence of showing a continuance is in the child’s best interests and actual prejudice.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC728, Court of Appeals Case No. 18CA1854

Petitioner:

Andrew Rogers Simon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC754, Court of Appeals Case No. 17CA1826

Petitioner:

Jheshua Daniel Jackson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC802, Court of Appeals Case No. 20CA950

Petitioner/Cross-Respondent:

Johnson Nathan Strohe, P.C., f/k/a JG Johnson Architects,

v.

Respondent/Cross-Petitioner:

MEP Engineering, Inc.

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

No. 21SC808, Court of Appeals Case No. 20CA1428

Petitioner:

Timothy D. Smith,

v.

Respondents:

Cary A. Smith and Rocky Mountain Planned Parenthood, Inc., a nonprofit corporation,
d/b/a Planned Parenthood of The Rocky Mountains, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022

No. 21SC812, District Court, Adams County, Case No. 21CV56

Petitioner:

Lacie Lovato,

v.

Respondent:

Renaissance Acquisition Partners, LP.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD would grant as to the following issue:

Whether the district court erred in affirming the county court's entry of possession judgment where plaintiff failed to serve petitioner with a 30-day notice which is a condition precedent to filing this action.

No. 21SC844, Court of Appeals Case No. 18CA960

Petitioner:

Hugo Armando Arceo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC864, Court of Appeals Case No. 18CA1454

Petitioner:

Danny Norman Lucero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022*

No. 21SC871, Jefferson County District Court Case No. 21CV30621

Petitioner:

Eric Moden,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC875, Court of Appeals Case No. 19CA1957

Petitioner:

Gregory Clinton Smith, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC876, Court of Appeals Case No. 20CA91

Petitioner:

Robert Daniel Campbell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC877, Court of Appeals Case No. 19CA1952

Petitioner:

Justin Joseph Rueb,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022*

No. 21SC881, Court of Appeals Case No. 19CA423

Petitioner:

Michael R. Erickson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC883, Court of Appeals Case No. 19CA869

Petitioner:

Carey Jesse Winters,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC884, Court of Appeals Case No. 20CA1221

In re Marriage of

Petitioner:

Anita M. Springsteen,

and

Respondent:

Evan Brown.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC44, Court of Appeals Case No. 19CA685

Petitioner:

Ryan Clive Jones,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022*

No. 22SC48, Court of Appeals Case No. 20CA1421

Petitioners:

Sandra Malul and Jeanne Jagow, Trustee for the Bankruptcy Estate of Sandra Malul,
v.

Respondents:

John Fritzel; Lightshade Labs, LLC; and JST Holdings, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC75, Court of Appeals Case No. 20CA1183

Petitioners:

Byers Peak Downhill Properties, LLC; Byers Peak Properties, LLC; C. Clark Lipscomb;
Meredith C. Lipscomb; and Colorado Adventure Park, LLC,
v.

Respondent:

Gold Medal Ranch, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC80, Court of Appeals Case No. 18CA1122

Petitioner:

Reggie Ellis Watkins,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC94, Court of Appeals Case No. 19CA713

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
MONDAY, JULY 25, 2022*

No. 22SC100, Court of Appeals Case No. 19CA1318

Petitioner:

Travis Joseph Lujan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC178, Court of Appeals Case No. 19CA177

Petitioner:

Robert Galliard,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC180, Court of Appeals Case No. 20CA1535

Petitioner:

David Gavin Flores,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC224, Court of Appeals Case No. 20CA1068

Petitioner:

Noel West Lane, III,

v.

Respondent:

Matthew Curtis Witt.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022*

No. 22SC229, Adams County District Court Case No. 21CV30592

Petitioner:

Mary Kathleen Strelow,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC230, Court of Appeals Case No. 18CA2440

Petitioner:

Adam Rivera-Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC232, Court of Appeals Case No. 20CA123

Petitioner:

Jason Cameron Stiles,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC233, Court of Appeals Case No. 20CA1898

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

D.L.B.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022*

No. 22SC239, Court of Appeals Case No. 19CA238

Petitioner:

Charles Harvey Faison,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC322, Court of Appeals Case No. 21CA520

In re: The Petition of:

Petitioner:

R. M. C., III,

v.

Respondent:

J. D. L.,

for the adoption of a Child

Child:

E. A. T.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE MÁRQUEZ would grant as to the following issues:

Whether an adoption automatically terminates a previously issued order allocating parental responsibilities over the adopted child.

Whether a court can require an adoptive parent to follow an order allocating parental responsibilities over the adopted child when that adoptive parent was not a party to the Allocation of Parental Responsibility (“APR”) proceedings that produced the order.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 25, 2022

No. 22SC386, Court of Appeals Case No. 21CA1766

Petitioner:

Melody Ramsey,

v.

Respondents:

Ayo LaBode, Guardian ad Litem; Marcie McMinimee, Co-Conservator; Lindsay Andrew, Co-Conservator; Stephanie Conrardy, Guardian; O Limbaugh; Marshall Breit, Custodian; and Blake Renner.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC407, Court of Appeals Case No. 20CA2046

In the interest of

Petitioner:

Melody Anne Ramsey, Protected Person/Ward,

v.

Respondents:

Ayo Labode; Marcie McMinimee, Co-Conservator; Melissa Schwartz, Co-Conservator; and Stephanie Conrardy, Guardian.

Petition for Writ of Certiorari DENIED. EN BANC.
