

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, SEPTEMBER 12, 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.

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**OPINIONS**

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[2022 CO 40](#)

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**Supreme Court Case No. 21SC119**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 17CA1896

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Charles Raider, Jr.

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**Judgment Reversed**  
*en banc*

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

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**[2022 CO 41](#)**

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**Supreme Court Case No. 21SC441**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 19CA1575

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**Petitioner:**

Enrique Ernesto Gorostieta,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

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

**CHIEF JUSTICE BOATRIGHT,** joined by **JUSTICE HOOD,** concurred in the judgment.

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**Supreme Court Case No. 22SC29**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 21CA381

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**Petitioner:**

The People of the State of Colorado,

**In the Interest of a Minor Child:**

E.A.M.

v.

**Respondent:**

D.R.M.

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**Judgment Reversed**  
*en banc*

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

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**RULE CHANGE**

[RULE CHANGE 2022\(13\)](#)

COLORADO RULES OF PROFESSIONAL CONDUCT

Rule 1.8

**Amended and Adopted by the Court, En Banc, September 8, 2022, effective immediately.**

**ORIGINAL PROCEEDING**

[22SA290](#)

In Re People v. Knisley, Belinda  
Order to Show Cause issued September 7, 2022

**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 21SC836, Court of Appeals Case No. 20CA1035**

**Petitioner:**

US Bank National Association,

v.

**Respondents:**

Jerome D. Silvernagel and Dan Wu.

Petition for Writ of Certiorari GRANTED.

Whether the court of appeals erred in determining the six-year statute of limitations period during which a lender may foreclose on a security instrument accrued upon the borrower's bankruptcy discharge.

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 21SC882, Court of Appeals Case No. 19CA2065**

**Petitioner:**

Earnest Sunday Maynes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC953, Court of Appeals Case No. 20CA524**

**Petitioner:**

Stanislav Vasulka,

v.

**Respondents:**

Louis Ficco; Advantage Advisors, LLC; 5855 Properties, LLC; and Mario A. Ficco.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC24, Court of Appeals Case No. 20CA2**

**Petitioners:**

Dream Finders Homes LLC, a Florida limited liability company and DFH Mandarin, LLC, a Florida limited liability company,

v.

**Respondent:**

Weyerhaeuser NR Company, a Washington corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether Colorado's economic loss rule bars recovery for intentional fraud.

Whether the implied covenant of good faith and fair dealing can insulate an intentional tortfeasor from liability under the economic loss rule.

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**No. 22SC116, Court of Appeals Case No. 20CA849**

**In re the Marriage of**

**Petitioner:**

Sigrid Geothoeffler Fisher,

and

**Respondent:**

Jonathan Fisher.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC118, Court of Appeals Case No. 21CA438**

**Petitioner:**

James Salazar,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado; 3ATS, d/b/a Grand Valley Tree Service; and Pinnacol Assurance.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC136, Court of Appeals Case No. 19CA2192**

**Petitioner/Cross-Respondent:**

The People of the State of Colorado,

v.

**Respondent/Cross-Petitioner:**

Richard Everett Houghton.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE BERKENKOTTER does not participate.

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

Whether reversing a felony DUI conviction under *Linnebur v. People*, 2020 CO 79M, requires an outcome determinative analysis.

Whether the court of appeals erred in holding that, for purposes of plain error review, an error was not “obvious” at the time of trial may become so while the case is on appeal.

Whether, if this court adopts the time-of-appeal approach set forth in *Johnson v. United States*, 520 U.S. 461 (1997), it should also adopt the federal court’s entire articulation of the plain error standard, including: “Whether the error seriously affects the fairness, integrity, or public reputation of judicial proceedings.”

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**No. 22SC139, Court of Appeals Case Nos. 20CA1803 & 20CA1942**

**Petitioner:**

Landmark American Insurance Company,

v.

**Respondent:**

LBA Realty Fund III-Company III, LLC, a Delaware limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC160, Court of Appeals Case No. 19CA754**

**Petitioner:**

Hector Manuel Castillo,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC225, Court of Appeals Case No. 19CA2119**

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Kenneth Alan Hill.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether the court of appeals erred in reversing a felony DWAI conviction under *Linnebur v. People*, 2020 CO 79M, without conducting the appropriate outcome determinative analysis.

Whether failing to submit the prior convictions element to the jury amounted to plain error given that (1) the trial court's decision aligned with precedent controlling at the time, and (2) the evidence supporting the element was overwhelming and without reasoned dispute.

Whether this court should remove any uncertainty as to whether Colorado employs a time-of-trial approach to plain error review.

Whether, if this court adopts the time-of-appeal approach set forth in *Johnson v. United States*, 520 U.S. 461 (1997), it should also adopt the federal court's fourth factor for plain error review: "Whether the error seriously affects the fairness, integrity, or public reputation of judicial proceedings."

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**No. 22SC257, Court of Appeals Case No. 19CA1025**

**Petitioner:**

William Gail McBroom,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC261, Court of Appeals Case No. 19CA1392**

**Petitioner:**

Leo Patrick Martin,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC262, Court of Appeals Case No. 19CA2020**

**Petitioner:**

Stephen Garrett,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC263, Court of Appeals Case No. 20CA385**

**Petitioner:**

Todd Michael Gordon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC265, Court of Appeals Case No. 20CA639**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

J. W. G.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC267, Court of Appeals Case No. 20CA2149**

**Petitioner:**

Roberto F. Santistevan,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

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**No. 22SC270, Court of Appeals Case No. 20CA1149**

**Petitioner:**

James Ryan Manning,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

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**No. 22SC271, Court of Appeals Case No. 19CA1274**

**Petitioner:**

Brian Eugene Morgan,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

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**No. 22SC273, Court of Appeals Case No. 19CA448**

**Petitioner:**

Tomas Antonio Lee Vialpando,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC274, Grand County District Court Case No. 21CV30029**

**Petitioner:**

Melissa Miranda,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC275, Court of Appeals Case No. 19CA1475**

**Petitioner:**

Deddrick Davontae Hill,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC281, Court of Appeals Case No. 19CA1872**

**Petitioner:**

Jerry Dewayne Grady,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC283, Court of Appeals Case No. 19CA1085**

**Petitioner:**

Matthew James Yeadon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC286, Court of Appeals Case No. 20CA1873**

**Petitioner:**

Chris A. Fernandez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC287, Court of Appeals Case No. 19CA1220**

**Petitioner:**

Brian Cory Gallegos,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC295, Court of Appeals Case No. 19CA1830**

**Petitioner:**

Verle Arthur Robinson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC296, Court of Appeals Case No. 20CA1040**

**Petitioner:**

Lavern George McKoy,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC298, Court of Appeals Case No. 19CA603**

**Petitioner:**

Ethan Michael Dixon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC302, Alamosa County District Court Case No. 21CV30053**

**Petitioner:**

The City of Alamosa, Colorado, by and on behalf of The People of the State of Colorado,

v.

**Respondent:**

Eugene D. Rockcastle.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC307, Court of Appeals Case No. 19CA1311**

**Petitioner:**

Chelsea Naomi Hooker,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC311, Court of Appeals Case No. 19CA1740**

**Petitioner:**

Perry Taylor Armstrong,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC312, Court of Appeals Case No. 19CA1688**

**Petitioner:**

David Matthew Everet Strunk,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC316, Court of Appeals Case No. 21CA2101**

**In re the Marriage of**

**Petitioner:**

Johnathan Luke Warnick,

and

**Respondent:**

Tanja B. Warnick,

**and Concerning**

**Intervenor:**

Jefferson County Department of Human Services.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC318, Court of Appeals Case No. 19CA1329**

**Petitioner:**

Joe Robert Love,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC319, Court of Appeals Case No. 20CA978**

**Petitioner:**

Clinton Rafael Hall,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC324, Morgan County District Court Case No. 21CV30012**

**Petitioner:**

Abade Irizarry,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC327, Court of Appeals Case No. 22CA184**

**Petitioner:**

James T. Woo,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.



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**No. 22SC328, Court of Appeals Case No. 21CA121**

**Petitioner:**

Jimmy Lee Williams,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC329, Court of Appeals Case No. 21CA71**

**Petitioner:**

Delano Marco Medina,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC336, Court of Appeals Case No. 17CA323**

**Petitioner:**

Eugene Felix Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC349, Court of Appeals Case No. 20CA957**

**Petitioner:**

James Alan Golightly,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE HOOD does not participate.

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**No. 22SC419, Court of Appeals Case No. 21CA1009**

**Petitioner:**

E. M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

E. D.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC570, Court of Appeals Case No. 21CA1768**

**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.

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**No. 22SC571, Court of Appeals Case No. 21CA1704**

**Petitioner:**

T. R. L.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

Z. R. S.,

**and Concerning**

**Respondent:**

L. A. S.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC574, Court of Appeals Case No. 22CA34**

**Petitioner:**

D. D. P. M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

P. D. D. R. M.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC587, Court of Appeals Case No. 21CA1811**

**Petitioner:**

A. S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

A. F. and A. S.

Petition for Writ of Certiorari DENIED. EN BANC.

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