

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 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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**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 22SC633, Court of Appeals Case No. 19CA1629**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Donald L. Garcia.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a defendant waives or forfeits a claim that the trial judge was statutorily disqualified under section 16-6-201, C.R.S. (2022), when the record shows the defense knew of the grounds for potential disqualification but failed to object, move for disqualification, or move for recusal.

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

**No. 22SC572, Court of Appeals Case No. 19CA700**

**Petitioner:**

Jose Omar Rodriguez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC608, Court of Appeals Case No. 21CA344**

**Petitioner:**

Timothy David Smith,

v.

**Respondents:**

Executive Director of the Colorado Department of Corrections, Dean Williams, and  
Warden Burtlow.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC631, Court of Appeals Case No. 19CA2356**

**Petitioner:**

Michael Gholston,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC645, Court of Appeals Case No. 21CA573**

**Petitioners:**

Marc Jay Bern and Cathy Bern,

v.

**Respondent:**

Marie Kaiser Napoli.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC716, Court of Appeals Case No. 19CA2275**

**In the Interest of**

**Petitioner:**

U.J.S.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC717, Court of Appeals Case No. 19CA919**

**Petitioner:**

Tirso David Frescas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC737, Court of Appeals Case No. 21CA709**

**In re the Marriage of**

**Petitioner:**

Mark A. Hein,

and

**Respondent:**

Cheryl V. Hein.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC746, Court of Appeals Case No. 19CA2312**

**Petitioner:**

Justin Tafoya,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC753, District Court, City and County of Denver Case No. 22CV403**

**Petitioner:**

Shirlean Woods Milton,

v.

**Respondent:**

P.K. Management.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC754, Court of Appeals Case No. 19CA1631**

**Petitioner:**

Jason Anton Holmes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC755, Court of Appeals Case No. 20CA126**

**Petitioner:**

Laura Olivares Croy,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC756, Court of Appeals Case No. 20CA265**

**Petitioner:**

Kenneth Dale Lewey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL would grant as to the following issue:

Whether Mr. Lewey is entitled to a new trial where the district court erroneously denied three valid for-cause challenges and forced him to exercise half of his peremptory strikes to remove the biased jurors, placing him at a significant disadvantage relative to the prosecution.

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**No. 22SC764, Court of Appeals Case No. 19CA2303**

**Petitioner:**

Scott Anthony Tyrrell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC767, Court of Appeals Case No. 18CA1762**

**Petitioner:**

Devin D. Martinez-Hernandez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
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**No. 23SC99, Court of Appeals Case No. 22CA964**

**Petitioner:**

H.S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

Jo.M.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC107, Court of Appeals Case No. 22CA1379**

**Petitioner:**

G.S.M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

S.A.M.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC108, Court of Appeals Case No. 22CA965**

**Petitioner:**

J.S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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