

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, FEBRUARY 22, 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 8](#)

Supreme Court Case No. 20SC399
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA126

Petitioner:

Brooke E. Rojas,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed

en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 9](#)

Supreme Court Case No 20SC852
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA266

Petitioners:

Lodge Properties, Inc. and Board of Assessment Appeals,

v.

Respondent:

Eagle County Board of Equalization.

Judgment Reversed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 10](#)

Supreme Court Case No. 20SC646
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA203

Petitioner:

Joy Maphis,

v.

Respondent:

City of Boulder, Colorado.

Judgment Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITION FOR REHEARING

2022 CO 6

Supreme Court Case No. 20SC758
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA38

Petitioner:

Nicholas Leonel Garcia, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Rehearing DENIED. EN BANC.

ORIGINAL PROCEEDING

[21SA381](#) In re Adams County Commissioner v. Adams County Treasurer
Order issued February 17, 2022

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC236, Court of Appeals Case No. 16CA441

Petitioner:

Elliott J. Forgette,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a sleeping-juror issue is preserved where the prosecutor and defense counsel alert the trial court that a juror is sleeping.

Whether there is, as the division held, “a distinction between the waiver of the right to a jury trial and the waiver of the right to a jury of twelve,” such that defense counsel can waive the number of jurors without her client’s approval.

[REFRAMED] Whether a defendant’s right to a jury of twelve is waived when defense counsel alerts the judge to a sleeping juror at trial but does not raise an objection.

DENIED AS TO ALL OTHER ISSUES.

No. 21SC463, Court of Appeals Case No. 18CA2436

Petitioner:

Tiffany Ann Miller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *Pearson v. People*, 20SC463, 2022 CO 4. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC129, Court of Appeals Case No. 17CA2366

Petitioner:

Gary Robert Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC130, Court of Appeals Case No. 17CA2396

Petitioner:

Gary Robert Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC578, Court of Appeals Case No. 19CA1785

Petitioner:

Jorge Alonso Lechuga-Arguijo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC600, Court of Appeals Case No. 19CA879

Petitioner:

Todd Louis Williamson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC649, Court of Appeals Case No. 17CA2332

Petitioner:

Jose Barajas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC778, Court of Appeals Case No. 18CA482

Petitioner:

Ramon Cejudo-Arredondo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC788, Court of Appeals Case No. 19CA377

Petitioner:

Phillip Leroy Maestas, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC791, Court of Appeals Case No. 19CA1113

Petitioner:

Jason Michael Stevens,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC793, Court of Appeals Case No. 18CA596

Petitioner:

Richard Alan Darling,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC798, Court of Appeals Case No. 20CA509

Petitioner:

Daniel Lucky Denny,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC809, Court of Appeals Case No. 19CA977

Petitioner:

Scott Allen Pierce,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC813, Court of Appeals Case No. 20CA426

Petitioner:

Traci Dean Evans,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC823, Court of Appeals Case No. 20CA387

Petitioner:

Nelson L. Stubblefield,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC830, Court of Appeals Case No. 20CA521

Petitioner:

Daniel Dean Hollingsworth,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC838, Court of Appeals Case No. 19CA590

Petitioner:

Marc T. Sylvester,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 22SC7, Court of Appeals Case No. 20CA2057

Petitioners:

A. L. and R. L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. L. and R. L.,

and

Respondents:

C. L. and R. L-M.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE MÁRQUEZ would grant.

No. 22SC12, Court of Appeals Case No. 21CA464

Petitioner:

A. S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

D. S. and M. S.,

and Concerning

J. S.

Petition for Writ of Certiorari DENIED. EN BANC.
