

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 24, 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.

OPINIONS

[2023 CO 16](#)

Supreme Court Case No. 22SA194
Original Proceeding in Discipline
Colorado Commission on Judicial Discipline Case No. 22-125

In the Matter of Complainant:

The People of the State of Colorado,

and

Respondent:

Lance P. Timbreza, a Judge of the Mesa County District Court.

**Order re: Recommendation of the Colorado Commission on Judicial
Discipline and Public Censure**
en banc

PER CURIAM.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 17](#)

Supreme Court Case No. 21SC836
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA1035

Petitioner:

US Bank National Association,

v.

Respondents:

Jerome D. Silvernagel and Dan Wu.

Judgment Reversed
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
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Supreme Court Case No. 22SA384
Original Proceeding Pursuant to C.A.R. 21
Boulder County District Court Case No. 22CR1121
Honorable Frederic Rodgers, Senior Judge

In Re
Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Evan Michael Platteel.

Rule Made Absolute
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 19](#)

Supreme Court Case No. 22SA323
Original Proceeding Pursuant to C.A.R. 21
El Paso County District Court Case No. 21JD80
Honorable Linda Billings Vela, Judge

In Re

The People of the State of Colorado,

**In the Interest of
Juvenile:**

A.T.C.

Rule Made Absolute
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 24, 2023

PETITION FOR REHEARING

2023 CO 8

Supreme Court Case No. 21SC393
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1798

Petitioner:

Colorado Property Tax Administrator,

v.

Respondent:

CO₂ Committee, Inc.

Petition for Rehearing DENIED. EN BANC

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 24, 2023

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC413, Court of Appeals Case No. 18CA525

Petitioner:

Khalil Jamandre Sanders,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred by determining that a judge who had experienced criminal conduct similar to that at issue in the case was not disqualified under the Due Process clauses of the United States and Colorado Constitutions; section 16-6-201(1)(d), C.R.S. (2022), and Crim. P. 21(b); or C.J.C. 2.11; and if so, whether reversal is required.

DENIED AS TO ALL OTHER ISSUES.

HELD PETITIONS FOR WRIT OF CERTIORARI

22SC477, Taylor v. People

Held pending 21SC506, *People v. McLaughlin*

22SC685, Lambert v. People

Held pending 21SC749, *Caswell v. People* and 21SC856, *Dorsey v. People*

22SC849, Cattaneo v. People

Held pending 21SC79, *Pellegrin v. People*

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

No. 22SC473, Court of Appeals Case No. 20CA376

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Juan Hernandez-Ramirez.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC543, Ouray County District Court Case No. 21CV30008

Petitioner:

David Gottorff,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC702, Court of Appeals Case No. 19CA1226

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Maurice Antwan Palmer.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC708, Arapahoe County District Court Case No. 22CV30305

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Jennifer Soderlund.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether a criminal defendant, after entry of a not guilty plea but before a trial date has been set, can engineer dismissal of her case by failing to appear, on the theory that she was not brought to trial within six months of her not guilty plea.

No. 22SC725, Court of Appeals Case No. 20CA1082

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Christina Mary Lerlo.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC758, Court of Appeals Case No. 20CA672

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Gustavo Olivo-Tellez.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC822, Court of Appeals Case No. 21CA316

Petitioner:

Sam Lowry,

v.

Respondents:

Steffon Bringhurst; Eric Bringhurst; and Eric Crane & Rigging Inc, a Colorado corporation.

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

No. 22SC872, Court of Appeals Case No. 21CA462

Petitioner:

Cody Aaron Jones,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC878, Court of Appeals Case No. 21CA120

Petitioner:

Hal Lewis Hebert,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE HOOD and JUSTICE SAMOUR do not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 24, 2023

No. 22SC881, Arapahoe County District Court Case No. 22CV30776

Petitioner:

Kimberly Adams,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC882, Court of Appeals Case No. 20CA57

Petitioner:

David Soto Castro,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC883, Court of Appeals case No. 21CA1410 & 21CA1417

In re the Marriage of

Petitioner:

Martine Bernard,

and

Respondent:

Christopher Hodyl.

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

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC884, Court of Appeals Case No. 20CA722

Petitioner:

Danny Lee Gonzales,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC885, Court of Appeals Case No. 20CA956

Petitioner:

Jerry Ceasar Garcia,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC886, Court of Appeals Case No. 20CA955

Petitioner:

Jerry Ceasar Garcia,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC887, Court of Appeals Case No. 20CA959

Petitioner:

Jerry Ceasar Garcia,

v.

Respondent:

The People of the State of Colorado.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 24, 2023

No. 23SC102, Court of Appeals Case No. 22CA968

Petitioners/Cross-Respondents:

Colorado Hamburger Company, Inc. and JOBEC, Inc.,

v.

Respondent/Cross-Petitioner:

Jacob Thomas Hicks.

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

JUSTICE HART and JUSTICE BERKENKOTTER would grant as to the following issues:

Under *Farmers Insurance Exchange v. Benzing*, 206 P.3d 812 (Colo. 2009), what type of class-wide theory of liability is sufficient to demonstrate predominance under C.R.C.P. 23(b)(3), and what evidentiary burden must a plaintiff carry to meet that standard?

Whether Colorado law requires employers to force their employees to take rest breaks and to track the time that their employees spend taking such rest breaks.

Whether the division erred when it reversed the district court's order denying class certification without applying a cognizable standard of review.

Whether the Court of Appeals erred in not reversing the District Court's denial of class certification for missed meal breaks.

No. 23SC193, Court of Appeals Case No. 22CA855

Petitioner:

A.F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Co.J., Ca.J., and Ch.J.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC205, Court of Appeals Case No. 22CA1226

Petitioner:

T.C.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

J.S.C.G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC209, Court of Appeals Case No. 22CA987

Petitioner:

C.B.D.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C.A.K.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC241, Court of Appeals Case No. 22CA1003

Petitioners:

M.R. and C.R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C.R.

Petitions for Writ of Certiorari DENIED. EN BANC.
