

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 27, 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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**OPINIONS**

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**[2023 CO 12](#)**

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**Supreme Court Case No. 21SC505**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 17CA2058

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Theodore Israel Madrid.

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**Judgment Affirmed**  
*en banc*

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

**JUSTICE SAMOUR** did not participate.

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**[2023 CO 13](#)**

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**Supreme Court Case No. 21SC533**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 19CA1799

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**Petitioner:**

Antero Resources Corporation,

v.

**Respondents:**

Airport Land Partners, Ltd; Richard N. Casey; Paul Limbach; Nanci Limbach; Fred Limbach; Shidelerosa, LLP; Shideler Energy Company, LLC; Patrick Shuster; Toni Shuster; and Colorado Oil and Gas Conservation Commission.

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**Judgment Affirmed**  
*en banc*

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

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**RULE CHANGES**

[RULE CHANGE 2023\(05\)](#)

THE COLORADO APPELLATE RULES

Rules 3, 3.1, 3.3, 3.5, 4.2, 10, 12, 25, 32, 39, and 53

**Amended and Adopted by the Court, En Banc, March 23, 2023, effective immediately.**

[RULE CHANGE 2023\(06\)](#)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO

Rules 207, 207.1, 207.2, 207.3, 207.4, 207.5, 207.6, 207.7, 207.8, 207.9, 207.10, 207.11, 207.12, 207.13, and 207.14

**Amended and Adopted by the Court, En Banc, March 23, 2023, effective July 1, 2023.**

**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 22SC226, Court of Appeals Case No. 18CA485**

**Petitioner/Cross-Respondent:**

Christopher Oneil Tarr,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

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

Whether the Fourth Amendment's requirement that consent to a warrantless search be freely and voluntarily given is satisfied by Colorado's Expressed Consent Statute where a driver is conscious and clearly objects to a warrantless extraction of his blood.

DENIED AS TO ALL OTHER ISSUES.

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 22SC350, District Court, City and County of Denver Case No. 21CV32838**

**Petitioner:**

Alexis Sands,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC530, Court of Appeals Case No. 18CA1495**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Rebecca Jeanette Champigny.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC586, Court of Appeals Case No. 21CA18**

**Petitioner:**

Mile High Mini Banks, Inc., d/b/a MiniBanks, Inc., a Colorado corporation,

v.

**Respondent:**

Treatments Unlimited, LLC, d/b/a Altitude the Dispensary, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC606, Court of Appeals Case No. 19CA1322**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Gustavo Olivo-Tellez.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issues:

Whether under the totality of the circumstances test a confession is involuntary if it was “extracted by any sort of threats or violence, or obtained by any direct or implied promises, *however slight.*”

When officers, with probable cause, truthfully tell a defendant they are going to arrest him and another person for committing a crime, do they coerce a confession by telling the defendant he has an opportunity to tell them the truth about the crime or the other person will be arrested?

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**No. 22SC607, Court of Appeals Case No. 20CA728**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

David Leon Gearhart.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC624, Court of Appeals Case No. 21CA959**

**In re the Marriage of**

**Petitioner:**

Michael David Marshall,

and

**Respondent:**

Kelly Lynn Marshall.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC772, Court of Appeals Case No. 19CA440**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Cain Wilkens.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC790, Court of Appeals Case No. 20CA837**

**Petitioner:**

Julio Francisco Vazquez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC792, Court of Appeals Case No. 20CA283**

**Petitioner:**

Dirkin Brown,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC795, Court of Appeals Case No. 21CA1163**

**Petitioner:**

Craig S. Robledo,

v.

**Respondent:**

Warden of the Arkansas Valley Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC796, Court of Appeals Case No. 21CA1164**

**Petitioner:**

Craig S. Robledo,

v.

**Respondent:**

Stephanie Sandoval.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC801, Court of Appeals Case No. 20CA1499**

**Petitioner:**

Dustin Aaron Schwarz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ would grant as to the following issue:

Whether the majority opinion in *People v. Speer*, 255 P.3d 1115 (Colo. 2011), was wrongly decided because it erroneously imported elements of the choice-of-evils defense, contrary to the plain language of the duress statute, section 18-1-708, C.R.S. (2022).

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**No. 22SC802, El Paso County District Court Case No. 21CV31851**

**Petitioner:**

St. Clair James,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC808, Court of Appeals Case No. 22CA872**

**Petitioner:**

Jon McClelland,

v.

**Respondent:**

Dr. Jack Chapman, MD.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC809, Larimer County District Court Case No. 22CV30067**

**Petitioner:**

Salvatore Castango,

v.

**Respondent:**

Morgan Archer.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC810, Court of Appeals Case No. 22CA599**

**Petitioner:**

Alem Zeray,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC811, Court of Appeals Case No. 19CA1538**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Jahmal Ali Price.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC864, Court of Appeals Case No. 22CA506**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Verle James Mangum.

Petition for Writ of Certiorari DENIED. EN BANC.

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