

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 15, 2023

OPINIONS

[2023 CO 21](#)

Supreme Court Case No. 23SA18
Original Proceeding in Judicial Discipline
Colorado Commission on Judicial Discipline Case No. 22-231

In the Matter of Complainant:

The People of the State of Colorado,

and

Respondent:

Mark D. Thompson, a Former Judge of the
Summit County District Court.

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

PER CURIAM

CHIEF JUSTICE BOATRIGHT and **JUSTICE SAMOUR** did not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 22](#)

Supreme Court Case No. 21SC395
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA2506

Petitioner:

Ari Misha Liggett,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 15, 2023

[2023 CO 23](#)

Supreme Court Case No. 21SC781
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA1692

Petitioners/Cross-Respondents:

State of Colorado, ex rel. Philip J. Weiser, as Attorney General of the State of Colorado
and Martha Fulford as Administrator of the Uniform Consumer Credit Code,

v.

Respondents/Cross-Petitioners:

Center for Excellence in Higher Education, Inc., a not-for-profit company;
CollegeAmerica Denver, Inc.; CollegeAmerica Arizona, Inc., divisions thereof, d/b/a
CollegeAmerica; Stevens-Henager College Inc., a division thereof, d/b/a Stevens-
Henager College; CollegeAmerica Services, Inc., a division thereof; The Carl Barney
Living Trust; Carl Barney, Chairman of Center for Excellence in Higher Education, Inc.
and Trustee of the Carl Barney Living Trust; and Eric Juhlin, Chief Executive Officer of
Center for Excellence in Higher Education, Inc.

Judgment Affirmed in Part and Reversed in Part

en banc

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

JUSTICE BERKENKOTTER did not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 24](#)

Supreme Court Case No. 23SA34
Original Proceeding Pursuant to C.A.R. 21
Jefferson County Court Case No. 22C40982
Honorable Sara M. Garrido, Judge

In Re
Plaintiff:

Arvada Village Gardens LP,

v.

Defendant:

Ana Garate.

Rule Made Absolute
en banc

JUSTICE HART delivered the Opinion of the Court, in which **JUSTICE MÁRQUEZ**, **JUSTICE HOOD**, **JUSTICE GABRIEL**, **JUSTICE SAMOUR**, and **JUSTICE BERKENKOTTER** joined.
CHIEF JUSTICE BOATRIGHT did not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21

23SA63 In Re the Marriage of Webb-Galarza and Strong, Jason
[Order making rule absolute issued May 12, 2023](#)

23SA125 In Re People v. Walthour, Ashleigh
[Order and Rule to Show Cause issued May 12, 2023](#)

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC738, Court of Appeals Case No. 19CA2033

Petitioner:

Wayne Tc Sellers IV,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a life without the possibility of parole sentence for felony murder is categorically unconstitutional following the Colorado General Assembly's reclassification of that offense.

Whether a life without the possibility of parole sentence is grossly disproportionate to the offense of felony murder following the Colorado General Assembly's reclassification of that offense.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC618, Court of Appeals Case No. 19CA2112

Petitioner:

Donald James Stookey,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC744, Court of Appeals Case No. 21CA436

Petitioner:

JohnsonConcept LLC, d/b/a Cannapages.com,

v.

Respondent:

Cannasaver Corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC777, Court of Appeals Case No. 20CA1200

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Shane Dean Darrell French.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as to the following issue:

Whether the majority of the court of appeals misapplied this court's reasoning in *Castillo v. People*, 2018 CO 62, 421 P.3d 1141, when it failed to consider the entire episode in evaluating whether any evidence supported a defense of premises instruction.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC781, Court of Appeals Case No. 17CA1126

Petitioner:

Kenneth Garrett Benally,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC803, Court of Appeals Case No. 20CA189

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Scott Daniels Barkley.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issue:

Whether the presumption against waiver of the right to counsel requires trial courts to take the defendant's responses during an *Arguello* advisement at face value, or whether the court can assess the defendant's credibility in light of the totality of the circumstances in determining if the defendant's waiver was voluntary, knowing, and intelligent.

No. 22SC908, Court of Appeals Case No. 19CA757

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

Y.N-C., a Juvenile.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC934, Court of Appeals Case No. 20CA706

Petitioner:

William Franklin Swatsenbarg,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC937, Court of Appeals Case No. 20CA958

Petitioner:

Marshall Adam Walker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC939, Court of Appeals Case No. 19CA1257

Petitioner:

Darus Wilkins,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT did not participate.

No. 22SC942, Court of Appeals Case No. 20CA974

Petitioner:

Emilio Espinoza,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC950, Court of Appeals Case No. 19CA1247

Petitioner/Cross-Respondent:

James Edwin Hoganson,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 22SC951, Court of Appeals Case No. 20CA1748

Petitioner:

Ryan Van Lue,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC953, Court of Appeals Case No. 17CA1536

Petitioner:

Yolanda Ursula Vialpando,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC954, District Court, City and County of Denver Case No. 22CV30933

Petitioner:

Bryan W. Bakeman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC958, Court of Appeals Case No. 20CA1745

Petitioner:

Roxanne Thiel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC960, Court of Appeals Case No. 20CA1927

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Krystal Jean Lee Kenney.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC961, Court of Appeals Case No. 20CA178

Petitioner:

Jorge Luis Rodriguez Uzueta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC243, Court of Appeals Case No. 22CA1173

Petitioners:

P.W.F., Jr. and B.J.F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K.M.F.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 23SC248, Court of Appeals Case No. 22CA455

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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Petitioner:

S.F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC262, Court of Appeals Case No. 22CA630

Petitioners:

S.W. and R.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

L.K. and M.W.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 23SC263, Court of Appeals Case No. 22CA1112

Petitioner:

L.H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

P.H-R.

Petition for Writ of Certiorari DENIED. EN BANC.
