

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
TUESDAY, FEBRUARY 21, 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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**OPINION**

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[2023 CO 8](#)

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

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**Petitioner:**

Colorado Property Tax Administrator,

v.

**Respondent:**

CO<sub>2</sub> Committee, Inc.

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**Judgment Reversed**  
*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.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
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**PETITIONS FOR REHEARING**

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**2023 CO 4**

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**Supreme Court Case No. 21SC236**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 16CA441

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**Petitioner:**

Elliott J. Forgette,

v.

**Respondent:**

The People of the State of Colorado.

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Petition for Rehearing DENIED. EN BANC.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
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**2023 CO 5**

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**Supreme Court Case No. 22SA172**  
*Original Proceeding Pursuant to C.A.R. 21*  
Larimer County District Court Case No. 21CR1567  
Honorable Sarah B. Cure, Judge

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**In Re**  
**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Timothy Albert Kembel.

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Petition for Rehearing DENIED. EN BANC.  
**JUSTICE GABRIEL** would grant the petition.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
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**2023 CO 5**

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**Supreme Court Case No. 22SA173**  
*Original Proceeding Pursuant to C.A.R. 21*  
Larimer County District Court Case No. 20CR2485  
Honorable Sarah B. Cure, Judge

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**In Re**  
**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Kerrie Lyn Dexter.

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Petition for Rehearing DENIED. EN BANC.  
**JUSTICE GABRIEL** would grant the petition.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
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**ORIGINAL PROCEEDING**

**23SA7** In Re People v. Speed, Cori  
Order dismissing case issued on February 15, 2023

[22SA383](#) In Re People v. Saville, Alan  
Order issued February 17, 2023

**RULE CHANGE**

[RULE CHANGE 2023\(03\)](#)

RULES GOVERNING LAWYER DISCIPLINE AND DISABILITY PROCEEDINGS,  
PROTECTIVE APPOINTMENT OF COUNSEL, CONTINUING LEGAL AND  
JUDICIAL EDUCATION, ATTORNEYS' FUND FOR CLIENT PROTECTION, AND  
LAWYER ASSISTANCE PROGRAMS

Rule 242.37.5

**Adopted by the Court, En Banc, February 16, 2023, effective immediately. Justice Márquez recused from any participation in this rulemaking process.**

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

**No. 22SC632, Court of Appeals Case No. 21CA439**

**Petitioner:**

County of Jefferson,

v.

**Respondent:**

Beverly Stickle.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a two-story parking lot located adjacent to the Jefferson County Courts and Administration Building is a building for purposes of the dangerous condition of a public building waiver in section 24-10-106(1)(c), C.R.S. (2022), of the Colorado Governmental Immunity Act, codified at sections 24-10-101 to -102, C.R.S. (2022).

Whether the County's use of the same material for the parking lot's walking and driving/parking surfaces was a design issue for purposes of the dangerous condition analysis, entitling the County to immunity.

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**No. 22SC671, Court of Appeals Case No. 20CA1603**

**Petitioners:**

Justin Hice and Town of Olathe,

v.

**Respondents:**

Nichele Giron individually and as Personal Representative of the Estate of Walter Giron, Amanda Giron, and Thomas Short as Personal Representative of the Estate of Samuel Giron.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in creating a bright-line rule waiving governmental immunity if an emergency vehicle operator responds to an emergency or pursues a violator of the law and exceeds the speed limit at any point before they activate their emergency lights or sirens.

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

**No. 22SC617, Court of Appeals Case No. 21CA1190**

**Petitioners:**

Lowe Enterprises, Inc. and Federal Insurance Company,  
v.

**Respondents:**

Industrial Claim Appeals Office and Jesus Tapia.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC629, Court of Appeals Case No. 18CA1190**

**Petitioner:**

Paul Cushinberry,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC635, Court of Appeals Case No. 19CA492**

**Petitioner:**

Robert Pat Trujillo,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC636, Court of Appeals Case No. 18CA2386**

**Petitioner:**

Edwardo Andres Christy,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC638, Court of Appeals Case No. 19CA533**

**Petitioner:**

Larry Paul James Martinez,

v.

**Respondent:**

The People of the State of Colorado.

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

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**No. 22SC642, Court of Appeals Case No. 18CA1798**

**Petitioner:**

Christian Lee Gulzow,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC644, Court of Appeals Case No. 20CA1539**

**Petitioner:**

The People of the State of Colorado,

**In the Interest of**

**Respondent:**

J.O.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issue:

Whether the court of appeals erred by creating an unclear test for the sufficiency of evidence imposing an additional burden on the prosecution when a person accused of unlawful sexual contact is seventeen years old or younger, and in holding the evidence in this case was insufficient for a reasonable person to determine the juvenile committed unlawful sexual contact.

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**No. 22SC646, Court of Appeals Case No. 19CA992**

**Petitioner:**

Matthew Ryan Manigold,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC648, Court of Appeals Case No. 21CA87**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

P. B.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC650, Saguache County District Court Case No. 22CV1**

**Petitioner:**

Bayardo R. Sandy,

v.

**Respondent:**

The Baca Grande Property Owners Association, a Colorado nonprofit corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC651, Saguache County District Court Case No. 22CV2**

**Petitioner:**

Bayardo R. Sandy,

v.

**Respondent:**

The Baca Grande Property Owners Association, a Colorado nonprofit corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC653, Court of Appeals Case No. 19CA1963**

**Petitioner:**

Tobias Theadore Perez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC654, Court of Appeals Case No. 19CA1352**

**Petitioner:**

Jessica Jasslin Pacheco,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC655, El Paso County District Court Case No. 22CV30225**

**Petitioner:**

Jeremy Hockert,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC656, Court of Appeals Case No. 20CA406**

**Petitioner:**

Charles Dean,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC660, Court of Appeals Case No. 21CA397**

**Petitioner:**

Joseph Moron,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC661, District Court, City and County of Denver Case No. 22CV80**

**Petitioner:**

Paul Huggins,

v.

**Respondents:**

Denver Housing Authority Section 8 and Park Avenue Redevelopment LLP.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC662, Court of Appeals Case No. 19CA2068**

**Petitioner:**

Damon Omar Porter,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC665, Court of Appeals Case No. 21CA671**

**Petitioner:**

Renee Sweet,

v.

**Respondent:**

Board of County Commissioners of the County of Douglas, Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC666, Court of Appeals Case No. 21CA933**

**Petitioner:**

Amritpal Singh,

v.

**Respondents:**

Industrial Claim Appeals Office, MKBS LLC, and Pinnacle Assurance.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC668, Court of Appeals Case 21CA511**

**Petitioner:**

Andrew Mark Lamar,

v.

**Respondent:**

Dean Williams, Executive Director of the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

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