

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 10, 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 14**](#)

Supreme Court Case No. 21SC285
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA1133

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Robert James Rainey.

Judgment Reversed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023

[2023 CO 15](#)

Supreme Court Case No. 21SC388
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA641

Petitioner:

The People of the State of Colorado,

v.

Respondent:

William Allen Davis.

Judgment Reversed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023

RULE CHANGE

[RULE CHANGE 2023\(07\)](#)

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 242.5

Amended and Adopted by the Court, En Banc, April 6, 2023, effective immediately.

ORIGINAL PROCEEDING

[23SA91](#) Edwards, Tana v. New Century Hospice
Order to Show Cause issued April 3, 2023

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC520, Court of Appeals Case No. 19CA1332

Petitioner:

Joseph Wayne Washington,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in holding that *People v. Novotny*, 2014 CO 18, 320 P.3d 1194, implicitly overruled *Norman v. People*, 496 P.2d 1029 (Colo. 1972).

[REFRAMED] Whether the court of appeals erred in utilizing a harmless error standard of reversal for the misjoinder of charges for trial.

[REFRAMED] Whether the trial court erred in consolidating petitioner's murder charge with his drug-related charges.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023*

No. 22SC639, Court of Appeals Case No. 20CA2051

Petitioner/Cross-Respondent:

Susan Ann Scholle as personal representative for the Estate of Daniel B. Scholle,
v.

Respondents/Cross-Petitioners:

Edward Ehrichs, M.D.; Michael Rauzzino, M.D.; and HCA-HealthONE, LLC.

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

[REFRAMED] Whether the division erred in its application of both the contract exception to the collateral source rule, § 13-21-111.6, C.R.S. (2022), and the Health Care Availability Act’s subrogation framework, § 13-64-402(3), C.R.S. (2022), by ordering the trial court to consider insurance contract liabilities when making findings as to whether good cause and unfairness exist to exceed the statutory damages cap.

DENIED AS TO ALL OTHER ISSUES.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC430, Court of Appeals Case No. 19CA444

Petitioner:

Ashley Arlene Moore,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC569, Court of Appeals Case No. 21CA539

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Juan Bustos-Chavez.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC579, Court of Appeals Case No. 18CA2337

Petitioner:

Schuyler Adonis Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC667, Court of Appeals Case No. 21CA295

In re the Estate of Thomas Russell Davies, deceased.

Petitioner:

Gary Scarpella,

v.

Respondents:

Phillip Wong, Stephanie Ryno, Jason DeHerrera, and Tricinia DeHerrera.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 22SC711, Court of Appeals Case No. 18CA1697

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Erik Jamal Newton.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023

No. 22SC743, Court of Appeals Case No. 20CA1383

Petitioner:

Eric Lee Roberts,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC768, Court of Appeals Case No. 20CA2155

In re the Marriage of

Petitioner:

Matthew Christian Suby,

and

Respondent:

Tamara Lynn Wisley.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC776, Court of Appeals Case No. 20CA1782

Petitioner:

John G. Nelson,

v.

Respondents:

Singer Island Gateway, LLC and Richard J. Lazzara.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023*

No. 22SC832, Court of Appeals Case No. 21CA1696

Petitioner:

B.W.,

v.

Respondent:

E.R.,

for the Adoption of a Child:

V.A.R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC837, Court of Appeals Case No. 21CA896

Petitioner:

Louis Peoples, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC838, Court of Appeals Case No. 19CA257

Petitioner:

Marlon Gerald Langford,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC842, Court of Appeals Case No. 19CA2117

Petitioner:

Brett Thomas Little,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023*

No. 22SC844, Court of Appeals Case No. 20CA469

Petitioner:

Justin Hadley Austin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC851, Court of Appeals Case No. 19CA2405

Petitioner:

Jeremy Patrick Gentleman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC855, Court of Appeals Case No. 21CA654

Petitioner:

Michael Farrow,

v.

Respondents:

Executive Director of the Colorado Department of Corrections and Warden of the Fremont Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC857, Court of Appeals Case No. 20CA797

Petitioner:

Jonathan Nathaniel Estes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023*

No. 22SC858, Court of Appeals Case No. 21CA533

Petitioners:

Carlin Enterprises, Inc. a Colorado corporation and Hugh Carlin, an individual,
v.

Respondent:

Eula Property LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC120, Court of Appeals Case No. 22CA286

Petitioner:

S.H., Sr.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

S.H., Jr. and Z.S.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC127, Court of Appeals Case No. 21CA760

Petitioners:

M.M. and T.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

M.M. and E.M.

Petitions for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 10, 2023*

No. 23SC148, Court of Appeals Case No. 22CA571

Petitioner:

D.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C.M.,

and Concerning

M.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC150, Court of Appeals Case No. 21CA1003

Petitioner:

C.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

E.K.W. and D.M.W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC153, Court of Appeals Case No. 22CA992

Petitioner:

A.N.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M.W.,

and Concerning

C.W.III.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC155, Court of Appeals Case No. 22CA363

Petitioner:

B.D.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC173, Court of Appeals Case No. 22CA1172

Petitioner:

C.L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

R.L. and A.L.,

and Concerning

R.L-M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC175, Court of Appeals Case No. 22CA876

Petitioner:

J.R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

J.R. and U.R.

Petition for Writ of Certiorari DENIED. EN BANC.
