

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 13, 2022**

"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

[**2022 CO 25**](#)

Supreme Court Case No. 20SC928
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA807

Petitioner:

Christopher Magana,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed in Part and Reversed in Part
en banc

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

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 13, 2022**

[2022 CO 26](#)

Supreme Court Case No. 21SA265
Appeal from the District Court
District Court, City and County of Denver, Case No. 21CV30211
Honorable A. Bruce Jones, Judge

Petitioner-Appellant:

William C. Danks,

v.

Respondents-Appellees:

Colorado Public Utilities Commission and DCP Operating Company, L.P.

Judgment Affirmed
en banc

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

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
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[2022 CO 27](#)

Supreme Court Case No. 21SA383
Original Proceeding Pursuant to C.A.R. 21
Park County District Court Case No. 21JV9
Honorable Stephen A. Groome, Judge

In Re

The People of the State of Colorado in the Interest of:

Child:

S.A.,

Petitioner:

Park County Department of Human Services,

v.

Respondents:

B.A. and J.A. n/k/a J.W.,

and

Special Respondent:

A.W.

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
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GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC749, Court of Appeals Case No. 18CA464

Petitioner:

Constance Eileen Caswell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the prior-conviction provision of the animal cruelty statute is a sentence enhancer or an element of the offense.

Whether a fact that transforms a misdemeanor into a felony must be found by a jury beyond a reasonable doubt.

DENIED AS TO ALL OTHER ISSUES.

No. 21SC856, Court of Appeals Case No. 18CA2333

Petitioner:

Charles K. Dorsey,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the division erred in concluding that the recidivist provision in subsection 18-3-412.5(2)(a), C.R.S. (2021) (failure to register as a sex offender – second or subsequent offense) is a sentence enhancer, not an element of the criminal offense.

Whether, even assuming the recidivist provision in subsection 18-3-412.5(2)(a), C.R.S. (2021), is a sentence enhancer, allowing a judge to elevate the *class* or *level* of offense based on recidivism violates a defendant's Sixth Amendment right to a jury trial.

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

No. 21SC705, Court of Appeals Case No. 20CA255

Petitioner/Cross-Respondent:

Wellington Reservoir Company, a Colorado corporation,
v.

Respondent/Cross-Petitioner:

JWN Family, LLC, a Colorado limited liability company.

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

No. 21SC727, Court of Appeals Case No. 18CA1123

Petitioner:

Marvell Damrius Coleman,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL would grant as to the following issue:

Whether a conviction for possession of a weapon by a previous offender (“POWPO”), under section 18-12-108(3), C.R.S. (2021), requires the prosecution to prove that the defendant knew he had a qualifying juvenile adjudication.

No. 21SC904, Court of Appeals Case No. 19CA441

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Brian Charles White.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC342, Court of Appeals Case No. 21CA986

Petitioner:

A.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C.S.,

and Concerning

J.F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC344, Court of Appeals Case No. 21CA1464

Petitioner:

E.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

W.W.-H., W.H., and W.U.,

and Concerning

D.M.H. and S.U.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC345, Court of Appeals Case No. 21CA820

Petitioner:

N.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Ae.S. and Aa.S.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC346, Court of Appeals Case No. 21CA1254

Petitioner:

A.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

T.G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC347, Court of Appeals Case No. 21CA975

Petitioner:

D.R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

D.R. and A.R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC351, Court of Appeals Case No. 21CA1360

Petitioner:

M.T.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

L.B.

Petition for Writ of Certiorari DENIED. EN BANC.
