

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 10, 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 1](#)

Supreme Court Case No 20SC22
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA620

Petitioner/Cross-Respondent:

Ernest Joseph Tibbels,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

Judgment Reversed
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.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 2](#)

Supreme Court Case No. 20SC353
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 16CA1319

Petitioner:

William Scott Pettigrew,

v.

Respondent:

The People of the State of Colorado.

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.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 3](#)

Supreme Court Case No. 20SC583
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA2025

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Patrick Rau.

Judgment Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2022 CO 4](#)

Supreme Court Case No. 20SC463
Certiorari to the District Court
Arapahoe County District Court Case No. 18CV30951

Petitioner:

Thomas Pearson,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

[2021 CO 81M](#)

Supreme Court Case No. 21SA153
Original Proceeding Pursuant to C.A.R. 21
Jefferson County District Court Case No. 16CR1633
Honorable Philip J. McNulty, Judge

In Re:
Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Kevin Wayne Viburg.

Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGES

[RULE CHANGE 2022\(01\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rules 16, 16.1, 30, and 45; Forms 26, 29, 32, 33, 47, 250, 601, and 603

Amended and Adopted by the Court, En Banc, January 6, 2022. Effective March 1, 2022 for Rules 16, 16.1, 30, 45, and Forms 601 and 603. Effective immediately for Forms 26, 29, 32, 33, 47, and 250.

[RULE CHANGE 2022\(02\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Chapter 25 Colorado Rules of County Court Civil Procedure

Rules: 304, 312, and 404; Forms: 28A and 105

Amended and Adopted by the Court, En Banc, January 6, 2022, effective immediately.

[RULE CHANGE 2022\(03\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Chapter 30 Colorado Municipal Court Rules of Procedure

Rule 257

Amended and Adopted by the Court, En Banc, January 6, 2022, effective immediately.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDINGS

- [21SA260](#) In Re the Marriage of Flores
Court order issued on December 21, 2021
- [21SA290](#) In Re People v Watkins, Cassidy
Court order issued on January 6, 2022
- [21SA381](#) In Re Adams County Board v Culpepper, Lisa
Order to Show Cause issued on December 23, 2021
- [21SA383](#) In Re People in Interest of S.A.
Order to Show Cause issued on December 30, 2021

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC395, Court of Appeals Case No. 14CA2506

Petitioner:

Ari Misha Liggett,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in expanding the waiver of confidentiality or privilege in section 16-8-103.6(2)(a), C.R.S. (2021), beyond what is specifically provided for by the plain language of the statute.

Whether the court of appeals erred in ruling that the defendant's voluntary statement to law enforcement obtained in violation of *Miranda v. Arizona* was admissible if he presented any evidence that "he was insane at the time of the alleged offense."

No. 21SC441, Court of Appeals Case No. 19CA1575

Petitioner:

Enrique Ernesto Gorostieta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals applied an incorrect standard when assessing the sufficiency of the evidence to establish that the defendant had previously been convicted of a felony in a prosecution for possession of a weapon by a previous offender, which is an issue that has not been directly resolved by this court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC458, Court of Appeals Case No. 18CA1848

Petitioner:

Nora Hilda Rios-Vargas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a defendant is entitled to question an alternate suspect in the jury's presence when a defendant asserts that someone else committed the offense for which they are on trial, that assertion possesses evidentiary support, and the alternate suspect invokes their Fifth Amendment privilege concerning the matter.

[REFRAMED] Whether, when a court prohibits the defense from questioning, in the jury's presence, an alternate suspect who has invoked her Fifth Amendment privilege, the defendant may inform the jury why it did not question the alternate suspect.

Whether, when a trial court erroneously prevents a defendant from questioning an alternate suspect, an appellate court may deem the error harmless without a remand hearing to establish what evidence was improperly excluded.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC477, Court of Appeals Case No. 19CA2040

Petitioner:

Board of County Commissioners of Boulder County, Colorado,

v.

Respondent:

Crestone Peak Resources Operating LLC.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in adopting and applying the “commercial discovery rule” in interpreting oil and gas leases.

DENIED AS TO ALL OTHER ISSUES.

No. 21SC533, Court of Appeals Case No. 19CA1799

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 & Gas Conservation Commission.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in finding that either: (1) the mere existence of a disagreement over the extent of Royalty Owners’ legal entitlements to further payments under the royalty agreements; or (2) the existence of terms that are “subject to legal debate,” constitutes a bona fide dispute over the interpretation of a contract for payment under section 34-60-118.5(5), C.R.S. (2021).

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC295, Court of Appeals Case No. 16CA2034

Petitioner:

Thomas Lee Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC360, Court of Appeals Case No. 17CA143

Petitioner:

Phillip Bradley Hines,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC407, Court of Appeals Case No. 18CA1752

Petitioner:

Errinlee Richelle Alley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC413, Court of Appeals Case No. 17CA1584

Petitioner:

Francisco Mendez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC459, Court of Appeals Case No. 18CA91

Petitioner:

David Sean Riedel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC530, Court of Appeals Case No. 18CA332

Petitioner:

Charles Raheen Scott,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC640, Saguache County District Court Case No. 21CV3

Petitioner:

Cynthia Nelson,

v.

Respondent:

Baca Grande Property Owners Association.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC641, Court of Appeals Case No. 19CA1627

Petitioner:

Colin S. Rogers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC642, Court of Appeals Case No. 19CA2260

Petitioner:

William Raymond Stevenson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC643, Court of Appeals Case No. 18CA1158

Petitioner:

Andrew Lynn Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC644, Court of Appeals Case No. 20CA770

Petitioner:

Gilberto Chavez, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC646, Court of Appeals Case No. 18CA1562

Petitioner:

Jimmy Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC648, Court of Appeals Case No. 19CA96

Petitioner:

Steven Lopez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC656, Court of Appeals Case No. 20CA2041

Petitioner:

Debra Paulison, by and through her adult son, Nathaniel SanNicolas, as her Next Friend,

v.

Respondent:

Mark A. Preiss, as Personal Representative of the Estate of Steven W. Preiss.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC658, Court of Appeals Case No. 20CA889

Petitioner:

Jerome C. Gilbert,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC659, Court of Appeals Case No. 21CA770

Petitioner:

Cedric Greene,

v.

Respondent:

Kaiser Permanente Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC675, Court of Appeals Case No. 19CA1088

Petitioner:

Nicholas Gabriel Quintana,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC676, Custer County District Court Case No. 20CV5

Petitioner:

Torrey Shannon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC681, Court of Appeals Case No. 18CA1312

Petitioner:

Michael Richard Esquibel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC684, Court of Appeals Case No. 19CA1456

Petitioner:

Ryan Jay Miller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC686, Court of Appeals Case No. 18CA2412

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

F. M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC690, Court of Appeals Case No. 19CA920

Petitioner:

Frank Junior Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC691, Court of Appeals Case No. 19CA332

Petitioner:

Richardo Lujan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC693, Court of Appeals Case No. 20CA448

Petitioner:

Michael Lindenthaler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC694, Court of Appeals Case No. 20CA378

Petitioner:

Christopher Poeschl,

v.

Respondents:

Foundation Building Materials, LLC and Joe Padilla.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC695, Court of Appeals Case No. 20CA736

Petitioner:

Robert D. Gandy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC738, Court of Appeals Case No. 21CA63

Petitioner:

F.L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

G.W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC774, Court of Appeals Case No. 21CA141

Petitioner:

M.G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L.G.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC816, Court of Appeals Case Nos. 21CA129 & 21CA130

Petitioner:

K.T. a/k/a K.D.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

C.D., An.T., and Al.T.,

and Concerning

L.T., Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC817, Court of Appeals Case No. 21CA347

Petitioners:

K.W. and A.B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

K.W. and K.A.W., Jr.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 21SC818, Court of Appeals Case No. 21CA51

Petitioner:

B.A.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

N.L.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC835, Court of Appeals Case No. 21CA325

Petitioner:

M.R.A.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

O.L.P.A.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC837, Court of Appeals Case No. 21CA178

Petitioner:

D.D.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K.S.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC853, Court of Appeals Case No. 20CA1707

Petitioners:

M.A.S. and G.J.J.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of

M.J. and A.J.

Petitions for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC870, Court of Appeals Case No. 21CA148

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Child:

S.L.,

v.

Respondents:

Z.L. and T.B. a/k/a T.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC951, Court of Appeals Case No. 21CA1801

Petitioner:

Cedric Greene,

v.

Respondent:

US Dept of Housing and Urban Development.

Petition for Writ of Certiorari DENIED. EN BANC.
