

2020SC463 (1 HOUR)

Petitioner:

Thomas Pearson,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Andrew Perez Castle
COLORADO STATE PUBLIC DEFENDER

For the Respondent:

Ann Bronwen Tomsic
18TH JUDICIAL DISTRICT ATTORNEY

Certiorari to the District Court, Arapahoe County, 2018CV30951

Docketed: June 9, 2020

At Issue: August 27, 2021

ISSUE(S):

Whether the district court erred in finding no reversible error occurred where the trial court ruled that self-defense was not an affirmative defense to the specific-intent crime of harassment, section 18-9-111(1)(a), C.R.S. (2020), and failed to properly instruct the jury on the affirmative defense.

If the trial court was correct in finding self-defense as an element-negating traverse rather than an affirmative defense, whether the district court erred in finding no reversible error occurred when the trial court failed to instruct the jury on such a traverse.

2020SC343 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Yolanda Ursula Vialpando.

For the Petitioner:

John T Lee
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Chelsea Elizabeth Mowrer
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2017CA1536
Docketed: April 30, 2020
At Issue: August 27, 2021

ISSUE(S):

Whether, where a defendant's flight established elements for several of the charges, the court of appeals improperly reversed for plain error because it concluded the prosecutor's closing argument commenting on this flight implicitly asked the jury to punish her for exercising her Sixth Amendment right to a jury trial

Whether the court of appeals erred in finding that cumulative error under Howard-Walker v. People, 2019 CO 69, is guided by considering the number of errors against the length of trial, and in concluding that there was cumulative error in this case.

RESERVED

2021SA208

In Re:

Petitioner:

Colorado Independent Congressional Redistricting
Commission.

2020SC22 (1 HOUR)

Petitioner/Cross-Respondent:

Ernest Joseph Tibbels,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

For the Petitioner/Cross-Respondent:

Meredith K Rose
OFFICE OF THE PUBLIC DEFENDER

For the Respondent/Cross-Petitioner:

Jacob Robert Lofgren
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2017CA620

Docketed: January 8, 2020

At Issue: August 27, 2021

ISSUE(S):

Whether the trial court's example of reasonable doubt lowered the prosecution's burden of proof in violation of the defendant's constitutional rights to due process and a jury trial.

Whether other factors occurring in the course of a trial mitigate the harm of an instruction that lowers the prosecution's burden of proof.

Whether a trial court's comments during voir dire should be reviewed as 'instructions' such that any improper comment could constitute structural error requiring automatic reversal.

2020SC353 (1 HOUR)

Petitioner:

William Scott Pettigrew,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Casey John Mulligan
MULLIGAN MULLIGAN PLLC

For the Respondent:

Megan Christine Rasband
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2016CA1319

Docketed: May 4, 2020

At Issue: September 8, 2021

ISSUE(S):

Whether the trial court lowered the burden of proof and undermined the presumption of innocence in violation of due process by calling the legal definition of reasonable doubt 'inadequate;' analogizing the beyond a reasonable doubt standard to potential doubts about a juror's birthday; stating that 'we try people when there's evidence to support the charges;' and distinguishing 'actual innocence' from a finding of not guilty.

Whether the court of appeals erred in determining that the warrant to search Petitioner's cell phone and supporting affidavit satisfied the Fourth Amendment's particularity requirement, where all descriptive information about the phone except the telephone number was obtained as a result of Petitioner's unlawful arrest.

RESERVED

2021SA305

In Re:

Petitioner:

Colorado Independent Legislative Redistricting
Commission.

2020SC646 (1 HOUR)

Courts In The Community - Pomona High School

Petitioner:

Joy Maphis,

v.

Respondent:

City of Boulder, Colorado.

For the Petitioner:

Shauna L O'Brien
OBRIEN LAW FIRM LLC
and
Randall John Paulsen
RANDALL J. PAULSEN ASSOCIATES P.C.

For the Respondent:

Sandra M Llanes
Luis Angel Toro
BOULDER CITY ATTORNEY'S OFFICE

**For Amicus Curiae Colorado Intergovernmental Risk
Sharing Agency**

Samuel J. Light

For Amicus Curiae Colorado Municipal League

Laurel Witt
COLORADO MUNICIPAL LEAGUE

**For Amicus Curiae Colorado Trial Lawyers
Association**

John Frederic Poor
JUST LAW GROUP LLC

Certiorari to the Colorado Court of Appeals, 2019CA203
Docketed: August 5, 2020
At Issue: August 27, 2021

ISSUE(S):

[REFRAMED] Whether the court of appeals erred by reviewing the trial court's findings of fact for clear error and its legal conclusion--that the sidewalk did not constitute such a dangerous condition as to waive Boulder's immunity--de novo.

[REFRAMED] Whether the court of appeals erred by holding that the sidewalk did not constitute a dangerous condition for purposes of waiving Boulder's immunity pursuant to the Colorado General Immunity Act, section 2410106(1)(d)(I) C.R.S. (2020).

Courts in the Community - Pomona High School

2020SC430 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jose Ornelas-Licano.

For the Petitioner:

John T Lee
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

James Steiner Hardy
COLORADO STATE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2016CA244

Docketed: May 28, 2020

At Issue: August 27, 2021

ISSUE(S):

Whether the court of appeals erred in adopting the Sixth Circuit's red flag checklist for discerning the reliability of scientific-based expert testimony and extending it to experience-based expert testimony to override the trial court's admission of an expert's opinion that the shapes of bullet holes through glass are indicative of the angle from where the shots were fired.
