

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 12, 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 33](#)

Supreme Court Case No. 21SC325
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA1132

Petitioner/Cross-Respondent:

Dennis Chirinos-Raudales,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

Judgment Affirmed in Part and Reversed in Part
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 34](#)

Supreme Court Case No. 21SC340
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA595

Petitioner:

Jose Leonel Orellana-Leon,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 35](#)

Supreme Court Case No. 21SC458
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA1848

Petitioner:

Nora Hilda Rios-Vargas,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 36](#)

Supreme Court Case No. 22SA350
Interlocutory Appeal from the District Court
Adams County District Court Case No. 21CR3054
Honorable Robert Walter Kiesnowski, Jr., Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Thorvyn Bullcalf Evan Smiley.

Order Affirmed

en banc

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

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[2023 CO 37](#)

Supreme Court Case No. 21SC796
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA1487

Petitioner:

Trevor A. Pellegrin,

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 HOOD, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

JUSTICE MÁRQUEZ concurred in part and concurred in the judgment.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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PETITION FOR REHEARING

2023 CO 25

Supreme Court Case No. 23SA30
Original Proceeding Pursuant to C.A.R. 21
Weld County Court Case No. 2021R5286
Honorable John Briggs, Judge

In Re
Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Jacob Woodside.

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

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JUNE 12, 2023*

ORIGINAL PROCEEDINGS

[23SA140](#) In Re People v. Dye, James
Order to Show Cause issued on June 7, 2023

[23SA146](#) In Re GHP Horwarth, P.C. v. Kazazian, Nina
Order to Show Cause issued on June 8, 2023

CERTIFICATION OF QUESTION OF LAW

23SA142 Klabon Kevin v. Travelers Property Casualty Company
U.S. District Court for the District of Colorado No. 22CV02557 – NRN
Question Accepted on June 6, 2023

GRANTED PETITION FOR WRIT OF CERTIORARI

No. 22SC759, Court of Appeals Case No. 19CA287

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Matthew Rodolfo Vansant Lopez.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a defendant who argues, for the first time on appeal, that his constitutional right to conflict-free counsel was violated – by the simultaneous prosecution of defense counsel and defendant by the same prosecutor – must prove that an actual conflict of interest adversely affected his representation.

DENIED AS TO ALL OTHER ISSUES.

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

No. 22SC521, Court of Appeals Case No. 20CA1995

Petitioner/Cross-Respondent:

Shari Long Romero, R.N., C.N.M., R.X.N.,

v.

Respondent/Cross-Petitioner:

State Board of Nursing.

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

No. 22SC829, Court of Appeals Case No. 18CA281

Petitioner:

Jeremy Douglas Ervin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC31, Court of Appeals Case No. 19CA1503

Petitioner:

Encarnacion Torres-Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC32, Court of Appeals Case No. 19CA1018

Petitioner:

Roger Alan Brown,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC38, Court of Appeals Case No. 18CA1194

Petitioner:

Gary Lee Nickal,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRRIGHT does not participate.

No. 23SC39, El Paso County District Court Case No. 22CV30712

Petitioner:

Jeremy Aaron Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC42, Court of Appeals Case No. 22CA85

Petitioner:

David Valdez,

v.

Respondents:

Industrial Claim Appeals Office; Alstom, Inc.; and Zurich American Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC43, Court of Appeals Case No. 20CA1253

Petitioner:

Christian Anthony Graciano,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC44, Court of Appeals Case No. 21CA1643

Petitioner:

Thomas Neilsen,

v.

Respondents:

Douglas Bechtel, Deputy District Attorney, in his personal and official capacity; George H. Brauchler, as past District Attorney; Brian Sugioka, Deputy District Attorney, in his personal and official capacity; and John Kellner, District Attorney, in his official capacity.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC47, Court of Appeals Case No. 19CA2401

Petitioner:

David Nunez-Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC52, Court of Appeals Case No. 20CA822

Petitioner:

Adolfo Roberto Chavez-Perez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC54, Jefferson County District Court Case No. 22CV72

Petitioner:

Omar Duwaik,

v.

Respondent:

Adams Bank and Trust, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC300, Court of Appeals Case No. 22CA1216

Petitioners:

T.M.C. and A.M.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.A.C-B., D.X.C-B., G.J.C-B., E.J.H., and A.L.S.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 23SC335, Court of Appeals Case No. 22CA927

Petitioner:

C.A.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

P.S-W.,

and Concerning

B.S-W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC336, Court of Appeals Case No. 22CA1398

Petitioner:

A.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C.F., Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JUNE 12, 2023

No. 23SC337, Court of Appeals Case No. 22CA1248

Petitioner:

J.H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

J.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC347, Court of Appeals Case No. 22CA1479

Petitioner:

D.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A.S. and M.S.

Petition for Writ of Certiorari DENIED. EN BANC.
