

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 21, 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.

OPINION

[2023 CO 45](#)

Supreme Court Case No. 23SA150
Appeal Pursuant to § 1-11-203.5, C.R.S.
District Court, City & County of Denver, Case No. 23CV31432
Honorable David H. Goldberg, Judge

Petitioners:

Steven Ward, Jerry Sonnenberg, Abe Laydon, Lora Thomas, George Teal, Kevin Grantham, Stan Vander Werf, Carrie Geitner, Cami Bremer, Longinos Gonzalez, Jr., Chuck Broerman, and Mark Flutcher, Colorado residents, local elected officials, and registered Colorado voters; Christopher Richardson, Grant Thayer, and Dallas Schroeder, in their official capacity as Elbert County Commissioners; Advance Colorado, a Colorado nonprofit corporation; Cheyenne County, Douglas County, El Paso County, Elbert County, Fremont County, Kit Carson County, Logan County, Mesa County, Phillips County, Prowers County, Rio Blanco County, and Washington County, Colorado counties; and Highlands Ranch Metropolitan District,

v.

(continued on page 2)

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

(continued from previous page)

Respondents:

State of Colorado, by and through Jared S. Polis, in his official capacity as Governor;
and Jena Griswold, in her official capacity as Secretary of State.

Judgment Affirmed in Part and Vacated in Part
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
MONDAY, AUGUST 21, 2023***

ORIGINAL PROCEEDINGS

[23SA186](#) In Re Miller, Michael v. Crested Butte, LLC
Order to Show Cause issued on August 7, 2023

[23SA209](#) In Re People v. Burns, Mark
Order to Show Cause issued on August 16, 2023

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC853, Court of Appeals Case No. 22CA552

Petitioners:

Weld County Board of Equalization and Brenda Dones, Weld County Assessor,
v.

Respondents:

MLS Properties LLC; 736 Baseline LLC; 2528 W. 16th Street LLC; 3200 Village Vista Drive LLC; Adams Bank Trust; Ashton Greeley Property LLC; Scott T. Banzhaf; BFI Medical Waste Inc.; Boulder Marine Inc.; Boulder Scientific Company; Brown Business Properties LLC; C & K Investment Properties LLC; Capitol 3109 LLC; Carbon Element SPE LLC; Code 3 Associates, Inc.; Crestone Peak Resource Holdings LLC; Diesel Service Property LLC; Early Education Enterprises LLC; EJ Holdings Inc.; Exit LTP Investments LLC; FEI Energy Fund LLC; Ferrous Development LLC; First National Bank of Johnstown; Garretson Family Partnership LLLP; GEP Investments Inc.; Gtuida LLC; Highway 119 LLC; Jagadar LLC; Kersey Hotel LLC; Liberty Aviation LLC; Marsid Land LLC; MJ 3106 LLC; Mountain States Rosen LLC; MP 4665 LLC; Nan Madeira Stuart Trust; Norlarco Credit Union; NVW LLC; PAR 4 Properties LLC; PHI Enterprises LLC; Raw Property LLC; RC 4689 LLC; Riggs & Dicken Properties LLC; Ritchie Bros. Properties Inc.; Rolinda Colorado Co LTD; Silver Coin Investments; Texas Roadhouse Holdings LLC; Union Colony Bank; Ana Uyemjura; Weaver 880 LLC; Westlake Village II LLC; Westlake Village LLC; White Peaks Property II LLC; Wide Open Real Estate LLC; Willco IV Development LLLP; and Willco VIII Development LLLP.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of 22SC797, *Hunter Douglas Inc. v. City & Cnty. of Broomfield Bd. of Equalization*, 2023 CO 26; 22SC798, *MJB Motels LLC v. Cnty. of Jefferson Bd. of Equalization*, 2023 CO 27, 22SC799, 22SC800, *Larimer Cnty. Bd. of Equalization v. 1303 Frontage Holdings LLC*, 2023 CO 28; *Educhildren LLC v. Cnty. of Douglas Bd. of Equalization*, 2023 CO 29.
EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

No. 22SC913, Court of Appeals Case No. 21CA985

Petitioners:

Eagle County Board of Equalization and Mark Chapin, Eagle County Assessor,
v.

Respondents:

150 East Beaver Creek LLC, CSB Properties Holdings LLC, and ELDA CO EA
LLC.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of 22SC797, *Hunter Douglas Inc. v. City & Cnty. of Broomfield Bd. of Equalization*, 2023 CO 26; 22SC798, *MJB Motels LLC v. Cnty. of Jefferson Bd. of Equalization*, 2023 CO 27, 22SC799, 22SC800, *Larimer Cnty. Bd. of Equalization v. 1303 Frontage Holdings LLC*, 2023 CO 28; *Educhildren LLC v. Cnty. of Douglas Bd. of Equalization*, 2023 CO 29.
EN BANC.

No. 22SC952, Court of Appeals Case No. 19CA2267

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Terrence Kenneth Eugene.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals misapprehended and misapplied the test for assessing whether a defendant is in custody for purposes of *Miranda v. Arizona*, 384 U.S. 436 (1966).

[REFRAMED] Whether the court of appeals compounded its custody analysis error when it failed to apply harmless error analysis.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC949, Court of Appeals Case No. 19CA1685

Petitioner:

Maurice Butler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC969, Court of Appeals Case No. 22CA2

Petitioner:

Malon Dean Tygrett,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado; Denver Water; Travelers Indemnity Company; and Hugh Macaulay, M.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC37, Court of Appeals Case No. 21CA1603

Petitioner:

Dio Volendo LLC, a Colorado limited liability company,

v.

Respondents:

Robert D. Affleck and Carol L. Affleck.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

No. 23SC45, Court of Appeals Case No. 21CA821

Petitioners:

Paul M. Zimmerman and West Hallam, LLC,

v.

Respondents:

Sherman & Howard, L.L.C.; Charlotte Wiessner; and B. Joseph Krabacher.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC46, Court of Appeals Case No. 21CA1299

Petitioner:

Wellbridge Club Management LLC, d/b/a/ Colorado Athletic Club-Monaco a/k/a Club Monaco,

v.

Respondents:

Mother Doe and Jane Doe.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC100, Court of Appeals Case No. 22CA795

Petitioner:

Wendy's of Colorado Springs, Inc.,

v.

Respondents:

Salvador Cervantes and Shawn Rentie.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC115, Court of Appeals Case No. 21CA94

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Richard Joseph Karwacki.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

No. 23SC122, Court of Appeals Case No. 20CA1744

Petitioner:

Jeremy Hasani Scott,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC123, Court of Appeals Case No. 21CA1157

Petitioner:

Desmond S. Manning,

v.

Respondents:

Department of Corrections, Office of the Inspector General and State Personnel Board.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC184, Court of Appeals Case No. 19CA1967

Petitioner:

Michael Ellis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC185, Court of Appeals Case No. 20CA1531

Petitioner:

Oreste Benitez-Dermas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

No. 23SC189, Court of Appeals Case No. 21CA1525

Petitioner:

San Juan Hut Systems, Inc.,

v.

Respondents:

Board of County Commissioners of the County of Ouray, Colorado; Wolf Land Company, LP; Stephen King; Christina King; Gary R. Hollowell Revocable Trust; Jenny Lee Philips Revocable Funded Living Trust; Sophia Arjana; English Enterprises II, LLC; Phillips Kelly, LLC; Clara C. Moore Trust Dated November 7, 2008; Eric C. Faust; Jennifer W. Faust; Mesa Preservation, LLC; Clay Alfred Hartmann; Steven Phillip Dieckmann; and Lapointe Joint Trust Dated December 12, 2016.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC194, Jefferson County District Court Case No. 22CV31004

Petitioner:

Liza Erpelding,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC202, Court of Appeals Case No. 21CA378

Petitioner:

Grant Petta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

No. 23SC204, Court of Appeals Case No. 21CA1744

Petitioner:

Ahkeem Jamall Powell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC207, Court of Appeals Case No. 20CA152

Petitioner:

Contarius Lamonye Alexander,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC208, Court of Appeals Case No. 19CA1592

Petitioner:

Matthew James Mitchell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC210, Court of Appeals Case No. 19CA1765

Petitioner:

Andrew James Lamson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

No. 23SC211, Arapahoe County District Court Case No. 22CV30968

Petitioner:

Perry Mock,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC212, Court of Appeals Case No. 20CA1190

Petitioner:

Timothy Zane Russman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC213, Court of Appeals Case No. 19CA926

Petitioner:

Ahmad Nelms,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC216, Court of Appeals Case No. 16CA2089

Petitioner:

Glen Law Galloway,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

No. 23SC217, Court of Appeals Case No. 20CA504

Petitioner:

Richard Brandbury Meise,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC220, Court of Appeals Case No. 20CA1152

Petitioner:

Jonathan Malachi Jack,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC221, Court of Appeals Case No. 20CA2166

Petitioner:

Saul Anaya,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC222, Court of Appeals Case No. 19CA1767

Petitioner:

David Allen Rhoads,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

No. 23SC223, Court of Appeals Case No. 21CA1196

Petitioner:

Tyler James Blanco,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC227, Court of Appeals Case No. 21CA934

Petitioner:

Alan Russell Brazulis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC250, Court of Appeals Case No. 21CA984

Petitioners:

Jasper Mitton, surviving son of Benjamin Mitton, Deceased; Thomas Wood, surviving spouse of Nichole Gough, Deceased; Devin Wood, surviving son of Nichole Gough, Deceased; and Michael Wood, surviving son of Nichole Gough, Deceased;

v.

Respondent:

Danimaxx of Colorado, Inc., d/b/a Breckenridge Market & Liquor.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC289, Court of Appeals Case No. 21CA1305

Petitioner:

Sombrero Stables, LLC, a Colorado limited liability company,

v.

Respondents:

Gina Henck and Stephen Henck.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

No. 23SC488, Court of Appeals Case No. 22CA1655

Petitioner:

U.H., Jr., a/k/a U.F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

U.F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC509, Court of Appeals Case No. 22CA1673

Petitioners:

S.D. and L.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

Z.C.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 23SC515, Court of Appeals Case No. 22CA1321

Petitioner:

S.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

N.K.M. and A.L.G.,

and Concerning

N.G.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

No. 23SC517, Court of Appeals Case No. 22CA1582

Petitioner:

T.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.O.,

and Concerning

M.O.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC518, Court of Appeals Case No. 22CA1420

Petitioners:

S.H. and J.R.R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

I.R.H. and G.R.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 23SC532, Court of Appeals Case No. 22CA1498

Petitioner:

L.K.H-B,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

K.R., J.R., and M.R.,

and Concerning

D.R.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023

No. 23SC533, Court of Appeals Case No. 22CA2030

Petitioner:

M.M.C., IV,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

G.L.C.W.,

and Concerning

C.S.P. a/k/a C.S.W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC534, Court of Appeals Case No. 22CA882

Petitioner:

Y.M.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.C.A.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC535, Court of Appeals Case No. 22CA1780

Petitioner:

S.B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

R.B.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 21, 2023*

No. 23SC536, Court of Appeals Case No. 22CA1755

Petitioner:

J.G.B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M.M.,

and Concerning

M.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC537, Court of Appeals Case No. 22CA1605

Petitioner:

M.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

Z.J.

Petition for Writ of Certiorari DENIED. EN BANC.
