

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 25, 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 released 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 49](#)

Supreme Court Case No. 23SA91
Original Proceeding Pursuant to C.A.R. 21
District Court, City and County of Denver, Case No. 21CV30427
Honorable Mark T. Bailey, Judge

In Re
Plaintiff:
Tana Edwards,

v.

Defendants:
New Century Hospice, Inc.; Legacy Hospice, LLC, d/b/a New Century Hospice of Denver, LLC; Legacy Hospice of Colorado Springs, LLC; and Kathleen Mary Johnson.

Rule Discharged
en banc

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

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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ORIGINAL PROCEEDING

[23SA227](#) In Re People v. Howell, Joseph
Rule to Show Cause issued on September 11, 2023

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC982, Court of Appeals Case No. 19CA915

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Jesus Rodriguez-Morelos.

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

Whether the court of appeals erred in holding that the crime of identity theft does not apply to a business entity’s personal identifying information and applies only to information concerning single, identified human beings.

DENIED AS TO ALL OTHER ISSUES.

No. 23SC167, Court of Appeals Case No. 20CA174

Petitioner:

Deshawn Lynn Randolph,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the trial court reversibly erred in instructing the jury that “knowingly” was the culpable mental state for soliciting child prostitution.

DENIED AS TO ALL OTHER ISSUES.

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

No. 23SC50, Court of Appeals Case No. 21CA1354

Petitioners:

Jonathan J. Rotella and The Center for Wound Healing & Hyperbaric Medicine, LLC of Burlington, Colorado,

v.

Respondent:

Kelly Duke.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE GABRIEL does not participate.

No. 23SC79, El Paso County District Court Case No. 22CV31100

Petitioner:

Mary E. Nathan,

v.

Respondent:

David Suda Nathan.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC88, Court of Appeals Case No. 20CA1137

Petitioner:

Scott Smith,

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. 23SC112, Court of Appeals Case No. 20CA1186

Petitioner:

Terrie Chevarria,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC134, Court of Appeals Case No. 21CA1746

Petitioner:

Cedar Cove Condominium Association, Inc.,

v.

Respondent:

Country Mutual Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC157, Court of Appeals Case No. 21CA1678

Petitioner:

Patricia Laughlin, as personal representative for the estate of Todd Wilson, deceased,

v.

Respondent:

Pinnacle Assurance.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 23SC201, Court of Appeals Case No. 20CA90

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Robert Eulogio Vigil.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE HART would grant as to the following issue:

Whether the court of appeals erred in finding that a sex offender's privilege against self-incrimination applies during the entire postconviction time frame.

No. 23SC274, Court of Appeals Case No. 20CA227

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Carlos Raul Serna-Lopez.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC290, Court of Appeals Case No. 21CA1891

Petitioners:

Melissa Huerta and David Huerta,

v.

Respondent:

John Reddington Kennedy.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 23SC293, Court of Appeals Case No. 19CA1363

Petitioner:

Mohamed Ahmed Yemam,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC301, Court of Appeals Case No. 21CA622

Petitioner:

Joseph Lee Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC302, Court of Appeals Case No. 21CA590

Petitioner:

Alwyn Lee Lewis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC305, Arapahoe County District Court Case No. 22CV30523

Petitioner:

Siena Jade Miner,

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. 23SC308, Jefferson County District Court Case No. 22CV30693

Petitioner:

Steven Dunmire,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC309, Court of Appeals Case No. 19CA1115

Petitioner:

Charles W. Bisonette,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC310, Court of Appeals Case No. 19CA1315

Petitioner:

Thomas Allan Hinks,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC313, Court of Appeals Case No. 20CA676

Petitioner:

Merhawi Tesfahans Ocbamichael,

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. 23SC318, Court of Appeals Case No. 19CA1787

Petitioner:

Marlon Melara-Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC324, District Court, City and County of Denver Case No. 22CV570

Petitioner:

Ella M. Coney,

v.

Respondent:

Master Homeowners Association for Green Valley Ranch.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC325, Court of Appeals Case No. 22CA2171

Petitioner:

Phillip David Haskett,

v.

Respondent:

Daniel-Barry Construction, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC326, Court of Appeals Case No. 21CA310

Petitioner:

Samara Rayna Epstein,

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. 23SC327, Court of Appeals Case No. 20CA1847

Petitioner:

Cleus Cletus Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC330, Court of Appeals Case No. 20CA1115

Petitioner:

Kenneth William Gomez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC334, Court of Appeals Case No. 20CA554

Petitioner:

Andrew Tanner Dutrow,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC344, Court of Appeals Case No. 22CA616

In re the Marriage of

Petitioner:

Keith March Ruhman,

and

Respondent:

Cami Anne Ruhman.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC606, Court of Appeals Case No. 22CA1517

Petitioner:

E.S.

v.

Respondent:

The People of the State of Colorado.

In the Interest of Minor Children:

J.V. and D.V.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC611, Court of Appeals Case No. 22CA1769

Petitioner:

D.E.

v.

Respondent:

The People of the State of Colorado.

In the Interest of Minor Child:

B.E.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC626, Court of Appeals Case No. 23CA45

Petitioners:

E.A. and M.T.

v.

Respondent:

The People of the State of Colorado.

In the Interest of Minor Children:

K.A. and M.A.

Petitions for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC638, Court of Appeals Case No. 22CA1888

Petitioner:

J.C.

v.

Respondent:

The People of the State of Colorado.

In the Interest of Minor Child:

O.M.R.

and Concerning

D.R.

Petition for Writ of Certiorari DENIED. EN BANC.
