

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, JUNE 20, 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 38](#)

Supreme Court Case No. 21SC506
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA960

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Charles Joseph McLaughlin.

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 39](#)

Supreme Court Case No. 22SC824
C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 22CA1583
Arapahoe County District Court Case No. 22CV30065
Honorable Elizabeth Beebe Volz, Judge

Petitioners:

Aurora Public Schools and David James O'Neill,

v.

Respondents:

A.S. and B.S.

Order Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 40](#)

Supreme Court Case No. 23SA2
Original Proceeding Pursuant to C.A.R. 21
Adams County District Court Case No. 22CR1524
Honorable Robert W. Kiesnowski, Jr., Judge

In Re
Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Jerrelle Aireine Smith.

Rule Made Absolute
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, JUNE 20, 2023

[2023 CO 41](#)

Supreme Court Case No. 21SC473
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA1911

Petitioner:

Rafael Aguilar Garcia,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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[2023 CO 42](#)

Supreme Court Case No. 21SC771
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA792

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jacob Vanderpauye.

Judgment Affirmed
en banc

JUSTICE SAMOUR delivered the Opinion of the Court, in which **JUSTICE MÁRQUEZ**, **JUSTICE HOOD**, and **JUSTICE GABRIEL** joined. **CHIEF JUSTICE BOATRIGHT**, joined by **JUSTICE HART**, dissented. **JUSTICE BERKENKOTTER** did not participate.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, JUNE 20, 2023*

RULES CHANGES

[RULE CHANGE 2023\(12\)](#)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO

Rule 205.7

Amended and Adopted by the Court, En Banc, June 15, 2023, effective July 1, 2023.

[RULE CHANGE 2023\(11\)](#)

RULES GOVERNING LAWYER DISCIPLINE AND DISABILITY PROCEEDINGS,
PROTECTIVE APPOINTMENT OF COUNSEL, CONTINUING LEGAL AND JUDICIAL
EDUCATION, ATTORNEYS' FUND FOR CLIENT PROTECTION, AND LAWYER
ASSISTANCE PROGRAMS

Rules 252.1, 252.2, 252.3, 252.4, 252.5, 252.6, 252.7, 252.8, 252.9, 252.10, 252.11, 252.12,
252.13, 252.14, 252.15, 252.16, and 252.17

Amended and Adopted by the Court, En Banc, June 15, 2023, effective September 1, 2023.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, JUNE 20, 2023*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC730, Court of Appeals Case No. 19CA868

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Edward H. Berdan.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC761, Court of Appeals Case No. 21CA542

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Patrick McDaniel Adkins, Jr.

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

No. 22SC814, Court of Appeals Case No. 20CA899

Petitioner:

Gary Sanders, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC895, Court of Appeals Case No. 19CA1768

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Natasha Earnce Robinson.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, JUNE 20, 2023

No. 22SC938, Court of Appeals Case No. 21CA1280

Petitioner:

Bank of New York Mellon f/k/a Bank of New York, as Successor Trustee to JPMorgan Chase Bank, N.A. as Trustee First Franklin Mortgage Loan Trust 2005-FF1-Mortgage-Backed Pass-Through Certificates, Series 2005-FF1,

v.

Respondent:

Fortress Property Group, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC10, Court of Appeals Case No. 20CA226

Petitioner:

Maranda Kay Stuart,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC18, Court of Appeals Case No. 21CA705

Petitioner:

Timothy Allen Jayne,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC30, Court of Appeals Case No 22CA1875

Petitioner:

Joseph S. Carter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, JUNE 20, 2023*

No. 23SC48, District Court, City and County of Denver Case No. 22CV379

Petitioner:

Vanessa Thomas,

v.

Respondent:

RAHFIV Grand Lowery Lofts.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC58, Court of Appeals Case No. 19CA2209

Petitioner:

Kyle Cornett Pauley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC59, Court of Appeals Case No. 18CA366

Petitioner:

Kashvaughn Kalil Allen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC60, Court of Appeals Case No. 21CA270

Petitioner:

James Earl Anthony,

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. 23SC62, Court of Appeals Case No. 19CA1813

Petitioner:

Charles Richard Ney, Jr.,

v.

Respondent:

The People of the State of Colorado.

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

No. 23SC63, Court of Appeals Case No. 19CA1314

Petitioner:

Caleb Joseph Vigil,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC64, Court of Appeals Case No. 20CA906

Petitioner:

Jared Ray Whalen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC65, Court of Appeals Case No. 20CA1697

Petitioner:

Kenneth L. Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, JUNE 20, 2023*

No. 23SC343, Court of Appeals Case No. 22CA1475

Petitioners:

V.I.M. and L.R.K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

D.S.M.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 23SC364, Court of Appeals Case No. 22CA1442

Petitioner:

J.G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A.A. and I.G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC365, Court of Appeals Case No. 22CA1499

Petitioner:

D.A.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

N.A. and B.A.,

and Concerning

Intervenors:

K.N. and H.N.

Petition for Writ of Certiorari DENIED. EN BANC.
