

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, DECEMBER 4, 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 59](#)

Supreme Court Case No. 23SA133
Original Proceeding Pursuant to C.A.R. 21
District Court, City and County of Denver, Case Nos. 20CV31009 & 20CV31008
Honorable Martin Egelhoff, Judge
Honorable Marie Avery Moses, Judge

**In Re
Plaintiff:**

Antero Treatment LLC,

v.

Defendant:

Veolia Water Technologies, Inc.

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In Re
Plaintiff:

Veolia Water Technologies, Inc.,

v.

Defendants:

Antero Treatment LLC; Antero Resources Corporation; Antero Midstream Partners LP;
and Antero Midstream Corporation.

Rule Discharged
en banc

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

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[2023 CO 60](#)

Supreme Court Case No. 23SA131
Original Proceeding Pursuant to C.A.R. 21
Washington County District Court Case No. 19JV13
Honorable Charles M. Hobbs, Judge

In Re
Petitioner:

The People of the State of Colorado,

In the Interest of

Child:

C.J.T.,

and Concerning

Respondents:

A.N.J. and F.R.T.,

and Concerning

Intervenors:

J.M.B. and L.A.B.

Rule Made Absolute
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
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RULE CHANGE

[RULE CHANGE 2023\(18\)](#)

COLORADO PROBATE CODE FORMS

Forms 704, 784, 791, 792, 891 ,893, 910, and 929

Amended and Adopted by the Court, En Banc, November 30, 2023, effective immediately.

[RULE CHANGE 2023\(19\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rule 1

Amended and Adopted by the Court, En Banc, November 30, 2023, effective immediately.

ORIGINAL PROCEEDING

[No. 23SA220](#) In Re The People v. Khristina Louise Phillips.
Order issued on November 30, 2023

HELD PETITION FOR WRIT OF CERTIORARI

No. 23SC445, *People v. Nozolino*

Held pending No. 22SC816, *People v. Segura*

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC81, Court of Appeals Case No. 18CA1304

Petitioner:

Adam Douglas Densmore,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether *Miranda v. Arizona*, 384 U.S. 436 (1966), applies when a Department of Human Services caseworker conducts a custodial interrogation.

DENIED AS TO ALL OTHER ISSUES.

No. 23SC85, Court of Appeals Case No. 20CA35

Petitioner:

Patrick Frazee,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a Department of Human Services caseworker is law enforcement under *Miranda v. Arizona*, 384 U.S. 436 (1966), and if so whether *Miranda's* test for custody applies when someone in pretrial detention is questioned about the facts underlying their custody.

DENIED AS TO ALL OTHER ISSUES.

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

No. 23SC171, Court of Appeals Case No. 20CA1128

Petitioner:

Ana Leyva,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC218, Court of Appeals Case No. 21CA156

Petitioner:

Heyley May Niblett,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC306, Court of Appeals Case No. 18CA1699

Petitioner:

Tremaine Dwayne Speer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC315, Court of Appeals Case No. 20CA553

Petitioner:

Jesse William Rees,

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. 23SC319, Court of Appeals Case No. 21CA1542

Petitioner:

Brendan Levi Morse,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC348, Court of Appeals Case No. 19CA30

Petitioner:

Jacolby Hasan Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL and JUSTICE BERKENKOTTER would grant as to the following issue:

Where petitioner, a teenage boy, asked if he could have a lawyer to speak with and the police deceptively responded, “not right now” and “we don’t just call attorneys down here,” did the lower courts err in failing to suppress petitioner’s statements?

No. 23SC456, Court of Appeals Case No. 19CA1823

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Omar Mosaab Abughalib.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC468, Court of Appeals Case No. 20CA264

Petitioner:

Shane Michael Martin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC471, Court of Appeals Case No. 20CA671

Petitioner:

Kenneth A. Francis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC472, Court of Appeals Case No. 23CA656

In the Matter of:

Trust for Derek Windell Cole

Petitioner:

Derek Cole,

v.

Respondent:

Marcie R. McMinimee.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC475, District Court, City and County of Denver Case No. 23CV189

Petitioner:

John Pastor-Mendoza,

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. 23SC476, Court of Appeals Case No. 20CA1293

Petitioner:

John Lee Laborde,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC477, Court of Appeals Case No. 22CA831

Petitioner:

Mark Lewis Halper,

v.

Respondent:

Sunshinemesa, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC478, Court of Appeals Case No. 21CA1788

Petitioner:

Jose Roberto Bermudez-Figueroa,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC480, Court of Appeals Case No. 19CA1576

Petitioner:

Cleveland Vernon Grimes IV,

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. 23SC481, Court of Appeals Case No. 21CA198

Petitioner:

Fernando Byrd-Farr,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC482, Court of Appeals Case No. 20CA562

Petitioner:

John Frank Martinez, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC485, Court of Appeals Case No. 20CA556

Petitioner:

Alonzo Jean Paige,

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. 23SC486, Court of Appeals Case No. 20CA315

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Edgar Ramirez-Martinez.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issue:

Whether the court of appeals erred by concluding that evidence of the victim's behavioral changes following a sexual assault was irrelevant to prove the victim's lack of consent?

No. 23SC487, District Court, City and County of Denver Case No. 22CV30937

Petitioner:

Elek Davidson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC490, Court of Appeals Case No. 21CA1347

Petitioner:

Terry Jerome Nixon,

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. 23SC491, Court of Appeals Case No. 20CA2070

Petitioner:

Thomas A. Deleon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC493, Court of Appeals Case No. 21CA232

Petitioner:

Ismeldo Junior Arredondo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC494, Court of Appeals Case No. 22CA510

Petitioner:

Lennie Matthew Robinson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC495, Court of Appeals Case No. 19CA2114

Petitioner:

Robert Lloyd Corbett,

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. 23SC496, Court of Appeals Case No. 20CA527

Petitioner:

Idris I. Adem,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC497, Court of Appeals Case No. 20CA762

Petitioner:

Maily Cervantes-Rios,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC741, Court of Appeals Case No. 23CA1226

Petitioner:

HCPI/CO Springs Ltd. Partnership,

v.

Respondents:

El Paso County Board of Commissioners and Board of Assessment Appeals.

Petition for Writ of Certiorari Pursuant to C.A.R. 50 DENIED. EN BANC.

No. 23SC781, Court of Appeals Case No. 22CA1942

Petitioner:

A.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A.E. and E.E.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC786, Court of Appeals Case No. 23CA537

Petitioner:

L.H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M.H.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC813, Court of Appeals Case No. 23CA196

Petitioner:

S.L.B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

J.L.C.

Petition for Writ of Certiorari DENIED. EN BANC.
