

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, FEBRUARY 26, 2024**

"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.

ORIGINAL PROCEEDING

[24SA47](#)

In Re Garcia, Jina v. Centura Health
Order to Show Cause issued on February 20, 2024

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC333, Court of Appeals Case No. 21CA2023

Petitioner:

Marcus A. Fear,
v.

Respondent:

GEICO Casualty Company.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether it is reasonable as a matter of law for an uninsured/underinsured motorist ("UIM") insurance carrier to refuse to pay non-economic damages because such damages are "inherently subjective" and because the insurer attempted to negotiate a full and final settlement of the insured's claim.

Whether an insurer's internal settlement evaluation is admissible as evidence of undisputed "benefits owed" under *Fisher v. State Farm Mutual Auto Ins. Co.*, 2018 CO 39, 418 P.3d 501.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, FEBRUARY 26, 2024

No. 23SC420, Court of Appeals Case No. 21CA1880

Petitioners:

The Gazette; Christopher N. Osher, reporter at The Gazette; and the Invisible Institute,
v.

Respondent:

Erik Bourgerie, in his official capacity as the Director of the Colorado Peace Officer Standards
and Training Board.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the Colorado Court of Appeals erred as a matter of law when it concluded that POST
is a “criminal justice agency” as defined in § 24-72-302(3), C.R.S. (2023).

Whether the Colorado Open Records Act, §§ 24-72-200.1 to -205.5, C.R.S. (2023) (“CORA”), and
not the Colorado Criminal Justice Records Act, §§ 24-72-301 to -309, C.R.S. (2023) (“CCJRA”),
governs the disclosure of records Petitioners requested from Colorado Peace Officer Standards
and Training (“POST”).

No. 23SC511, Court of Appeals Case No. 21CA399

Petitioner:

Bradford Wayne Snedeker,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

Whether in cases where a prison-plus-probation sentence violates *Allman v. People*, 2019 CO 78,
451 P.3d 826, re-imposition of the original probation sentence after the defendant has served the
prison sentence (thereby resulting in the same sentence) remains violative of *Allman*.

Whether, in cases where a defendant is resentenced in a global sentencing hearing, it violates
Allman for the court to impose prison in one case concurrent to probation in another.

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HELD PETITIONS FOR WRIT OF CERTIORARI

23SC436, Wingfield v. People

Held pending: 23SC328, *Ward v. People* and 23SC381, *McDonald v. People*

23SC484, Galvez v. People

Held pending: 23SC328, *Ward v. People* and 23SC381, *McDonald v. People*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC383, Court of Appeals Case No. 22CA442

Petitioner:

Eve Gatewood,

v.

Respondents:

USAT, Montserrat, LLC, a Colorado limited liability company; Orien Tulp, M.D.; and Carla Konyk.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC461, Court of Appeals Case No. 21CA1564

Petitioners:

K.O. Realty, Inc., a Colorado Corporation and Karen O. Frisone,

v.

Respondent:

Jeri Grillo.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC489, Court of Appeals Case No. 20CA37

Petitioner:

Robert Michael Valencia,

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. 23SC568, Court of Appeals Case No. 22CA1190

Petitioner:

Kurt Smith,

v.

Respondents:

Idaho Springs Police Department; Town of Idaho Springs; Richard Sonnenberg, in his individual and official capacity; and Nicholas Hanning, in his individual and official capacity.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC573, Court of Appeals Case No. 19CA961

Petitioner:

Dejuan D. Stamps,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC598, Court of Appeals Case No. 21CA1272

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Tre Miekale Carrasco.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE SAMOUR would grant as to the following issues:

Whether the court of appeals misapprehended the applicable standard and failed to give appropriate deference to the trial court's denial of defendant's challenge for cause, when the juror's answers were equivocal and the court followed up with rehabilitative questioning of the panel and was able to evaluate the credibility and demeanor of the prospective jurors.

Whether a juror's silence in response to rehabilitative questioning asking any potential juror who cannot apply the presumption of innocence to raise their hand is sufficient to rehabilitate a juror who responded to leading questions by indicating some doubt about their ability to presume defendant innocent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, FEBRUARY 26, 2024

No. 23SC702, Court of Appeals Case No. 19CA2113

Petitioner:

William Corey Kowaski Ardoin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC709, Court of Appeals Case No. 21CA1747

Petitioner:

Victor Cirilo Acosta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC710, Court of Appeals Case No. 21CA916

Petitioner:

Jose Ruiz-Ruiz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC711, Court of Appeals Case No. 20CA1532

Petitioner:

Richard Ernest Ramirez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, FEBRUARY 26, 2024

No. 23SC714, Court of Appeals Case No. 22CA2093

Petitioner:

Larry E. Webster, Jr.,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado, Czarnowski Display Service Inc., and Trumbull Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC716, Court of Appeals Case No. 22CA1434

Petitioner:

Charity Garrett,

v.

Respondent:

Carrie Spencer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC719, Court of Appeals Case No. 20CA1015

Petitioner:

Ernesto Ramon Orozco-Nery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC720, Court of Appeals Case No. 20CA602

Petitioner:

Rafael Juarez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, FEBRUARY 26, 2024

No. 23SC721, Court of Appeals Case No. 22CA832

Petitioner:

Richmond Lee Meyer,

v.

Respondent:

Jason Vanstrom.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC723, Court of Appeals Case No. 21CA2076

Petitioner:

Debra Tillung,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC42, Court of Appeals Case No. 23CA971

Petitioner:

R.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

P.M.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 24SC58, Court of Appeals Case No. 23CA868

Petitioner:

P.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L.R.L. n/k/a L.R.W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC60, Court of Appeals Case No. 23CA774

Petitioner:

M.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K.S.,

and Concerning

T.S.,

and

Intervenors:

M.T. and W.T.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC61, Court of Appeals Case No. 23CA1130

Petitioner:

M.N.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

W.S.,

and Concerning

A.S.

Petition for Writ of Certiorari DENIED. EN BANC.
