

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 8, 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.

OPINIONS

[2024 CO 18](#)

Supreme Court Case No. 23SA121
Interlocutory Appeal from the District Court
Boulder County District Court Case No. 21CR447
Honorable Patrick D. Butler, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Brandon Mason Bohler.

Order Reversed

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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[2024 CO 19](#)

Supreme Court Case No. 22SC787
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 21CA109

Petitioner:

Mark Kinslow,

v.

Respondent:

Daniala Mohammadi.

Judgment Reversed
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
MONDAY, APRIL 8, 2024

PETITION FOR REHEARING

2024 CO 16

Supreme Court Case No. 22SC549
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA218

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

J.G.

Petition for Rehearing DENIED. EN BANC.

RULE CHANGE

[RULE CHANGE 2024\(07\)](#)

COLORADO RULES OF EVIDENCE

Rules 106 and 615

Amended and Adopted by the Court, En Banc, April 4, 2024, effective immediately.

ORIGINAL PROCEEDING

[24SA84](#)

In Re People v. Dorsey, Kashia

Rule to Show Cause issued March 26, 2024

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 8, 2024

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC525, Court of Appeals Case No. 21CA669

Petitioner/Cross-Respondent:

Darryl Cornelius Johnson,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

Whether the division's opinion violated this court's holding in *People v. Weeks*, 2021 CO 75.

Whether the division correctly defined "available" under the restitution statute.

Whether the prosecution's timeline for presenting a restitution motion is non-jurisdictional in nature and, thus, subject to both waiver and, if necessary, a prejudice analysis.

Whether defendant waived his present challenge to the timeliness of the prosecution's restitution motion to gain the benefit of his plea agreement.

Alternatively, whether the alleged violation should be rejected as harmless under the facts of this case.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 8, 2024

No. 23SC583, Court of Appeals Case No. 20CA1678

Petitioner:

Zachary Eugene Babcock,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether, under *People v. Weeks*, 2021 CO 75, a restitution order must be vacated where the court failed to enter a restitution order within ninety-one days after the order of conviction and failed to make an explicit good cause finding to extend the deadline.

Whether the ninety-one-day deadline to enter a restitution order is jurisdictional and cannot be waived.

Whether, even if the ninety-one-day deadline to enter a restitution order is not jurisdictional, a defendant may waive the court's obligation to timely impose restitution by objecting to the amount of restitution and requesting a hearing.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 8, 2024

No. 23SC622, Court of Appeals Case No. 21CA1713

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Jessica Jo Roberson.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a defendant invites error or waives a claim that their restitution order must be vacated due to statutory procedural violations when they agree to pay restitution in their plea agreement, object to a timely restitution request and order, and request and expressly agree to a restitution hearing set beyond the ninety-one-day statutory deadline.

If not waived or invited, whether an appellate court can affirm a restitution order where a violation of the restitution statute's procedural requirements is harmless.

HELD PETITION FOR WRIT OF CERTIORARI

23SC799, Rios v. People

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

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC457, Court of Appeals Case No. 22CA663

Petitioner:

Catholic Health Initiatives Colorado, d/b/a Centura Health Penrose St. Francis Health Services,
v.

Respondent:

Aron Roudybush, by and through his conservators, Nora and Randall Roudybush.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC523, Court of Appeals Case No. 20CA343

Petitioner:

Marcos Casillas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC544, Court of Appeals Case No. 20CA823

Petitioner/Cross-Respondent:

Adam Robert Slattery,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 23SC578, Court of Appeals Case No. 20CA1710

Petitioner:

Zachary Steven Neustel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC579, Court of Appeals Case No. 21CA834

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
MONDAY, APRIL 8, 2024*

No. 23SC660, Court of Appeals Case No. 22CA376

Petitioner:

Jordan Drake,

v.

Respondents:

Derek Stadie, M.D.; Robert Mosiman, M.D.; and Poudre Valley Healthcare, Inc. d/b/a Poudre Valley Hospital.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC662, Court of Appeals Case No. 21CA1365

Petitioner:

Travon Jamir Sanders,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC803, Court of Appeals Case No. 23CA1614

Petitioner:

Shannon Perry,

v.

Respondent:

Encore at Blvd Once LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC804, El Paso County District Court, 23CV143

Petitioner:

Dennis Sladek,

v.

Respondent:

Robert Morris.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC806, Court of Appeals Case No. 20CA1289

Petitioner:

Donald Lee Cochran,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC809, Court of Appeals Case No. 21CA798

Petitioner:

Russell Montoya, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC815, Court of Appeals Case No. 21CA1601

Petitioner:

David Samuel Walters,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC816, Court of Appeals Case No. 21CA1427

Petitioner:

Jacob Sullivan Abshire,

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. 23SC817, Court of Appeals Case No. 21CA2039

Petitioner:

Joseph Gary Lang,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC822, Court of Appeals Case No. 22CA736

Petitioner:

Warren Henry Foster,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC829, Court of Appeals Case No. 21CA1340

Petitioner:

Dywand Datron Julien,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC830, Court of Appeals Case No. 21CA1001

Petitioner:

Michelle Leann Orth,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, APRIL 8, 2024*

No. 24SC118, Court of Appeals Case No. 23CA1321

Petitioner:

N.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.C-M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC130, Court of Appeals Case No. 23CA1195

Petitioner:

A.S.B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M.S.L.

Petition for Writ of Certiorari DENIED. EN BANC.