

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JUNE 24, 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 public domain citation to view the opinion in pdf format.

OPINIONS

[2024 CO 48](#)

Supreme Court Case No. 22SC835
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1481

Petitioner:

Justin Brendan Martinez,

v.

Respondent:

The People of the State of Colorado.

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.

2024 CO 49

Supreme Court Case No. 24SA23
Interlocutory Appeal from the District Court
Boulder County District Court Case No. 22CR1786
Honorable Patrick D. Butler, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Martin Otonoel Cerda.

Order Affirmed in Part and Reversed in Part
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.

2024 CO 50

Supreme Court Case No. 22SC759
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA287

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Matthew Rodolfo Vansant Lopez.

Judgment Reversed
en banc

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

2024 CO 51

Supreme Court Case No. 24SA2
Interlocutory Appeal from the District Court
Park County District Court Case No. 23CR48
Honorable Amanda J. Hunter, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Dave A. Dacus.

Order Reversed

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.

2024 CO 52

Supreme Court Case No. 24SA117
Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2023)
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative
2023-2024 #175

Petitioners:

Wayde Goodall and Darcy Schoening,

v.

Respondents:

Jamie Gentry-Cunningham, Jenna Lea Candraia Clinchard, Jude Kacey Clinchard, Iris
Halpern, and Dr. Lora Melnicoe,

and

Title Board:

Theresa Conley, Kurt Morrison, and Jeremiah Barry.

Appeal Dismissed
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.

Supreme Court Case No. 24SA120
Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2023)
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative
2023-2024 #188

Petitioner:

Mark Chilson,

v.

Respondents:

Jason Bertolacci and Owen Alexander Clough,

and

Title Board:

Theresa Conley, Christy Chase, and Jennifer Sullivan.

Appeal Dismissed

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.

2024 CO 54

Supreme Court Case No. 23SC4
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA180

Petitioner:

Abdullahi Salah,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

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

ORIGINAL PROCEEDING

24SA159 In Re People v Arellano, Mario
[Order issued June 20, 2024](#)

HELD PETITIONS FOR WRIT OF CERTIORARI

No. 23SC953, People v. Mickey
Held pending 23SC583, *Babcock v. People*; 23SC525, *Johnson v. People*; 23SC622,
People v. Roberson

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC907, Court of Appeals Case Nos. 22CA1257 and 22CA1969

Petitioner:

Phases Truck & Automotive Repair, Inc.,

v.

Respondent:

Nathan J. Mascarenas.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether the court of appeals erred by adding a requirement that a plaintiff know a tort defendant's identity to the test for when a claim accrues which is inconsistent with this court's caselaw.

No. 23SC918, Court of Appeals Case No. 22CA672

Petitioner:

Tina Marie Hyatt,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC1, Court of Appeals Case No. 22CA331

Petitioner:

Adrian Elijah Salazar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC76, Court of Appeals Case No. 22CA1962

In re the Marriage of

Petitioner:

Elyssa M. Fox,
and

Respondent:

Alexander L. Speaker.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issue:

Whether the trial court may consider a relocating parent's admission or acknowledgement that he or she will not relocate in the event their request is denied, prior to making the initial determination on that parent's relocation request.

No. 24SC81, Court of Appeals Case No. 21CA711

Petitioner:

Michael Lee Reed, Jr.,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 24SC84, Court of Appeals Case No. 21CA1030

Petitioner:

Otoniel Fernandez-Rodriguez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC98, Court of Appeals Case No. 22CA1342

Petitioner:

Michael Anthony Ayala,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC127, Court of Appeals Case No. 23CA118

In re the Parental Responsibilities Concerning

Child:

M M.,

and Concerning

Petitioner:

William Muhr,

and

Respondent:

Kristin Lee.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC133, Court of Appeals Case No. 23CA96

Petitioner:

Stephen J. Ahuero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC141, Court of Appeals Case No. 23CA48

Petitioner:

Joey Ray Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC142, Court of Appeals Case No. 22CA1481

Petitioner:

Eusebio Montero-Romero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC144, Court of Appeals Case No. 23CA274

Petitioner:

Peche Myers,

v.

Respondents:

Jeanne Falletta and New Directions Behavioral Health, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC153, Court of Appeals Case No. 23CA651

Petitioner:

William Charles Danks,

v.

Respondents:

Theodore A. Buderus, Daniel J. Buderus, Julie Ann Buderus, and Susan H. Buderus.

Petition for Writ of Certiorari DENIED. EN BANC.
