

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
**MONDAY, AUGUST 5, 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.

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**ORIGINAL PROCEEDING**

[24SA206](#)     In Re ExxonMobil v. Board of County Commissioners  
Show cause issued July 29, 2024

**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC927, Court of Appeals Case No. 21CA1608**

**Petitioner:**

Amanda Brubaker, in her official capacity as the Records Custodian for the Colorado Department of Human Services,

v.

**Respondent:**

Colorado Sun and Tegna, Inc., d/b/a KUSA-TV/9News.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred as a matter of law in concluding that section 19-1-307(1)(a), C.R.S. (2023), is ambiguous.

Whether, if the court of appeals correctly concluded that section 19-1-307(1)(a) is ambiguous, it erred in concluding the legislative history and *Peck v. McCann*, 43 F.4th 116 (10th Cir. 2022), support its interpretation of the statute.

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**No. 23SC847, Court of Appeals Case No. 21CA1203**

**Petitioner / Cross-Respondent:**

The People of the State of Colorado,

v.

**Respondent / Cross-Petitioner:**

Kari Mobley Kennedy.

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

Whether vehicular homicide-DUI, § 18-3-106(1)(b)(I), C.R.S. (2023), is a per se grave or serious offense for purposes of proportionality review.

Whether the court of appeals erroneously ruled that the maximum sentence in the aggravated range, for a defendant with no prior felony convictions, did not give rise to an inference of gross disproportionality.

DENIED AS TO ALL OTHER ISSUES.

**HELD PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC748, People v. Passmore**

**Held pending 23SC168, *Tennyson v. People***

**No. 23SC814, Ackerson v. People**

**Held pending 22SC738, *Sellers v. People***

**No. 23SC839, Hamilton v. People**

**Held pending 22SC738, *Sellers v. People*.**

**No. 24SC188, People v. Garcia-Bravo**

**Held pending 23SC525, *Johnson v. People*; 23SC583, *Babcock v. People*; 23SC622, *People v. Roberson***

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC580, Court of Appeals Case No. 22CA956**

**Petitioner:**

Monaghan Farms, Inc., a Colorado corporation,

v.

**Respondent:**

City and County of Denver, a Colorado municipal corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC802, Court of Appeals Case No. 22CA666**

**Petitioners:**

Jun Hong Zhang, Andy Zhang, Xiaojun Liu, Jun Dian Zhang, and Jun Zhang Inc.,

v.

**Respondents:**

Thomas J. Lincoln and Lincoln Capital Investments LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC878, Court of Appeals Case No. 20CA1960**

**Petitioner:**

Chauncey Scott Price,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC913, Court of Appeals Case No. 22CA600**

**Petitioner:**

Patrick Thomas Bice,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC929, Court of Appeals Case No. 23CA51**

**Petitioner:**

Safeway, Inc.,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado and Janice Sewald.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC49, Court of Appeals Case No. 23CA156**

**Petitioner:**

Michael D. Farrow,

v.

**Respondent:**

Vickie Nira, Health Service Administrator for Sterling Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC73, Court of Appeals Case No. 19CA749**

**Petitioner:**

Karl D. Walker,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC75, Court of Appeals Case No. 21CA670**

**Petitioner:**

Ryan Michael Cantor,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC83, Court of Appeals Case No. 21CA748**

**Petitioner:**

Mauricio Eduardo Anchondo-Olivas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC90, Court of Appeals Case No. 23CA2235**

**Petitioner:**

Jack Cole,

v.

**Respondent:**

Well Path.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC102, Court of Appeals Case No. 21CA1738**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Christopher G. Smith.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT would grant as to the following issue:

If the trial court properly instructs the jury on every element of the substantive offense (second-degree murder) but improperly refuses to instruct the jury on a mitigating factor that can only affect sentencing (heat of passion), should the prosecutor be forced to retry the offense on remand? Or should the prosecutor have the option of accepting the jury's conviction – while conceding the sentencing mitigator?

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**No. 24SC143, Court of Appeals Case No. 22CA419**

**Petitioner:**

Roxanne Marie Mitchell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**No. 24SC152, Court of Appeals Case No. 21CA2017**

**Petitioner:**

Leroy Maestas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC155, Court of Appeals Case No. 22CA1332**

**Petitioner:**

David Sykes, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC157, Court of Appeals Case No. 22CA1217**

**Petitioner:**

Duglas Hernandez-Barrientos,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC161, El Paso County District Court, 23CV31295**

**Petitioner:**

Gordon Gilbertson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC165, Court of Appeals Case No. 22CA1072**

**Petitioner:**

Jared Ashley Gamble,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC170, Court of Appeals Case No. 21CA977**

**Petitioner:**

Richard C. Marin,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC191, Court of Appeals Case No. 23CA81**

**Petitioner:**

Terrence M. Wyles,

v.

**Respondents:**

Williams Law P.C., d/b/a The Vasilco Law Group; Patrick Vasilco; Michael Williams;  
and T.J. Carney.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC202, Court of Appeals Case No. 22CA2041**

In the Matter of the Estate of

Virgil L. Schaal, deceased,

**Petitioner:**

Daniel Schaal,

v.

**Respondent:**

Timothy Schaal.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC229, Court of Appeals Case No. 22CA643**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

D.L-M., a Juvenile.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC231, Court of Appeals Case No. 20CA829**

**Petitioner:**

Akeem Jawon Barther,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC233, Court of Appeals Case No. 22CA432**

**Petitioner:**

Geoffrey Charles Landers,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC237, Court of appeals Case No. 21CA1270**

**Petitioner:**

Gilbert Joseph Romero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC240, Court of Appeals Case No. 20CA356**

**Petitioner:**

Christopher Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC409, Court of Appeals Case No. 23CA2194**

**Petitioner:**

A.B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

W.W.

Petition for Writ of Certiorari DENIED. EN BANC.

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**24SC430, Court of Appeals Case No. 23CA1553**

**Petitioner:**

S.H.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

M.H.,

and Concerning

D.H.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC433, Court of Appeals Case No. 23CA1673**

**Petitioner:**

Y.M.C.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.A.,

and Concerning

P.E.A.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC448, Court of Appeals Case No. 24CA72**

**Petitioners:**

Northside Neighbors Association and Michael Kuhn,

v.

**Respondents:**

Notes Live, Inc.; Notes Live Real Estate and Development; and City of Colorado Springs.

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

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**No. 24SC452, Court of Appeals Case No. 23CA1692**

**Petitioner:**

M.K.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

Z.H. and Z.K.,

and Concerning

G.H.

Petition for Writ of Certiorari DENIED. EN BANC.

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