

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 19, 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.

PETITIONS FOR REHEARING

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Supreme Court Case No. 22SC313
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA340

Petitioner:

Reginald Keith Clark,

v.

Respondent:

The People of the State of Colorado.

Petition for Rehearing DENIED. EN BANC.
JUSTICE HOOD and **JUSTICE GABRIEL** would grant the petition.

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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.

Petition for Rehearing DENIED. EN BANC.

ORIGINAL PROCEEDING

[24SA226](#) In Re People v. Crawford, David
Show Cause issued on August 13, 2024

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC932, Court of Appeals Case No. 22CA656

Petitioners/Cross-Respondents:

City of Grand Junction and Public Service Company of Colorado, d/b/a Xcel Energy,
v.

Respondent/Cross-Petitioner:

John Nicola, individually and as the Personal Representative of the Estate of Danielle Nicola.

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

[REFRAMED] Whether, in reversing dismissal of a survival claim based on the statute of limitations, the court of appeals erred in concluding that section 13-81-103(1)(b), C.R.S. (2023), applies only when a person under a disability (1) had a legal representative and (2) died after the expiration of the applicable statute of limitations but less than two years after the legal representative was appointed and thereby instead applying section 13-80- 112, C.R.S. (2023).

[REFRAMED] Whether the court of appeals erred by concluding that the statute of limitations for a personal representative to file a survival action under section 13-80-112, C.R.S. (2023), is two years from the date of death rather than two years from the date of the incident as required under sections 13-20-101(2) and 13-80-108(1), C.R.S. (2023).

DENIED AS TO ALL OTHER ISSUES.

No. 23SC956, Court of Appeals Case No. 22CA1791

Petitioners:

By the Rockies, LLC, and Duane Layton,
v.

Respondent:

Samuel Perez.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in holding the statute of limitations in the Colorado Wage Claim Act, Section 8-4-122, C.R.S. 2023, does not apply to claims brought under the Minimum Wage Act.

DENIED AS TO ALL OTHER ISSUES.

No. 24SC2, Court of Appeals Case No. 21CA1230

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Isaac U. Mion.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in adopting a rule that does not require defendants to provide some evidence of innocent mistake when invoking the affirmative defense of involuntary intoxication.

No. 24SC204, Court of Appeals Case No. 23CA1333

Petitioners:

Ralph Cantafio, David Feeder, Lilly Lentz, Mike Lazar, Cantafio & Song PLLC, Mark Fischer, and Patricia Ann Scott,

v.

Respondent:

Kaylee Schnelle.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in holding that denial of summary judgment or directed verdict in a prior civil case does not raise a rebuttable presumption of probable cause in a subsequent malicious prosecution action.

No. 24SC301, Court of Appeals Case No. 23CA1691

The People of the State of Colorado in the interest of:

Petitioners:

The People of the State of Colorado, C.C.M., and D.D.M.,

v.

Respondent:

D.J.M.

Petitions for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the division erred in concluding that Father did not waive his right to a jury trial at adjudication when he did not appear for a bench trial that was set after Father's counsel had orally requested a jury trial and Father also failed to appear at a number of pretrial conferences.

DENIED AS TO ALL OTHER ISSUES.

No. 24SC337, Court of Appeals Case No. 23CA1613

Petitioner:

R.G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

C.G. and N.G.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the division erred in concluding that, under C.R.C.P. 39(a)(3), Mother waived her right to an adjudicatory jury trial when she did not appear for the scheduled jury trial but her counsel was present and ready to proceed.

DENIED AS TO ALL OTHER ISSUES.

HELD PETITIONS FOR WRIT OF CERTIORARI

No. 23SC939, People v. Espinoza

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

No. 24SC171, Najera v. People

Held pending 23SC525, *Johnson v. People*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC587, Court of Appeals Case No. 20CA2145

Petitioner:

Luis Fernando Toro-Ospina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC762, Court of Appeals Case No. 20CA503

Petitioner:

Paul Dale Knighting,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC850, El Paso County District Court, 23CV30623

Petitioner:

Alys Hammer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC

No. 24SC4, Court of Appeals Case No. 22CA1815

Petitioners:

Water Supply and Storage Company, a Colorado non-profit corporation; Keith W. Amen; Feit Family Farms II, LLP; Longs Peak Dairy, LLC; Gregory S. Walker; Darryl G. Woods; and Sue A. Woods,

v.

Respondents:

Simon Contractors, Inc. a Wyoming corporation and Cactus Hill Ranch Company, a Colorado corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC40, Court of Appeals Case No. 23CA8

Petitioners:

Kevin Appleby, Jaime R. Jensen, Corbin Clement, Mischa Fisher, Dru A. Flowers, Lanston Nkenglefac Tanyi, Rachel Nicolette Hudspeth, Quan Le, Quoc Le, Graham Ross Marsden, Sarah Kerr Marsden, and Overton Spence,

v.

Respondent:

Dossey Sudik Structural Engineers LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC59, Jefferson County District Court Case No. 23CV30503

Petitioner:

Jeff Willis,

v.

Respondent:

Bob Cornell.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC114, Court of Appeals Case No. 22CA1919

Petitioner:

Karen L. Osborn,

v.

Respondent:

DS&K Investments, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC121, Court of Appeals Case No. 23CA127

Petitioner:

Daniel McAuliffe,

v.

Respondent:

Brian and Catherin Bertrand Living Trust.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC129, Court of Appeals Case No. 23CA147

Petitioners:

Nancy A. Leprino, as Co-Trustee, of Nancy A. Leprino Irrevocable Grantor Trust; Denis Patrick Gibbs, as Independent Trustee of Nancy A. Leprino Irrevocable Grantor Trust; the Nancy A. Leprino GST Exempt Trust Under Agreement Creating the Nancy A. Leprino Irrevocable Grantor Trust Dated December 20, 2012; the Nancy A. Leprino GST Non-Exempt Trust Under Agreement Creating the Nancy A. Leprino Irrevocable Grantor Trust Dated December 20, 2012; and Nancy A. Leprino as Personal Representative of the Estate of Mike A. Leprino, a/k/a Mike Leprino, a/k/a Mike Andrew Leprino, Deceased;

v.

Respondents:

Leprino Foods Company, a Colorado corporation; James G. Leprino; Terry L. Leprino; Gina M. Vecchiarelli; Daniel A. Vecchiarelli; Terry L. Leprino, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; Gina M. Vecchiarelli, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; Daniel A. Vecchiarelli, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; JGL 2014 GRAT; JGL-GMV 2011 GST Trust; JGL-TLL 2011 GST Trust; TLL 2011 GST Trust; TLL 2014 GRAT; Terry Leprino Trust #1; Terry Lynn Leprino Irrevocable Trust #4; Terry Lynn Leprino Irrevocable Trust #5; Gina Vecchiarelli Trust #1; Gina Marie Vecchiarelli Irrevocable Trust #4; Gina Marie Vecchiarelli Irrevocable Trust #5; GMV 2011 GST Trust; GMV 2014 GRAT; Francesca Rae Vecchiarelli 2008 Trust; and Gianna Marie Vecchiarelli 2008 Trust.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE BOATRRIGHT does not participate.

No. 24SC160, Court of Appeals Case No. 22CA1773

In re the Marriage of

Petitioner:

Leslie Susan Bova,
and

Respondent:

Joseph Steven Frisch.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC246, Court of Appeals Case No. 22CA1547

Petitioner:

David Michael Mercado, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC247, Court of Appeals Case No. 22CA2151

Petitioner:

John Baptiste Williams Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC253, Court of Appeals Case No. 20CA863

Petitioner:

Jonathan Yamar Best,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC255, Court of Appeals Case No. 22CA1838

Petitioner:

Delonta D. Crank,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC257, Court of Appeals Case No. 22CA1456

Petitioner:

Anthony Wayne Barker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC258, Court of Appeals Case No. 22CA1459

Petitioner:

Anthony Wayne Barker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC262, El Paso County District Court, 23CV30646

Petitioner:

Brian Waller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC264, Court of Appeals Case No. 21CA2116

Petitioner:

Daniel J. Adler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC267, Court of Appeals Case No. 21CA1473

Petitioner:

Daryll Glenn Brown,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE BOATRRIGHT does not participate.

No. 24SC268, Court of Appeals Case No. 22CA1052

Petitioner:

Michael William Pierson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC271, Court of Appeals Case No. 22CA1200

Petitioner:

Mario Alberto Perez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC272, Court of Appeals Case No. 22CA1813

Petitioner:

Monty Ray Turner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE BERKENKOTTER does not participate.

No. 24SC273, Court of Appeals Case No. 24CA555

Petitioner:

Craig Sebastian Robledo-Valdez,

v.

Respondent:

Maria Victoria Carbajal.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC276, Court of Appeals Case No. 22CA1577

Petitioner:

Ruben Muniz, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 24SC285, Court of Appeals Case No. 23CA307

Petitioner:

John A. Silva,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC286, Court of Appeals Case No. 23CA87

Petitioner:

Jeremie Portillo-Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC289, Court of Appeals Case No. 23CA990

In the Matter of the Estate of Steven Mark Dale, Deceased,

Petitioner:

Harriette Dale,

v.

Respondent:

Lucille Dale.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC292, Jefferson County District Court Case No. 22CV30885

Petitioner:

Christopher Gallerie,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC293, Court of Appeals Case No. 22CA181

Petitioner:

Billy Ray Hendrix,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC447, Court of Appeals Case No. 23CA1957

Petitioner:

T.G. and R.G., Sr.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

R.A.G.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 24SC458, Court of Appeals Case No. 23CA1958

Petitioner:

M.C.V.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M.C.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC463, Court of Appeals Case No. 23CA2024

Petitioner:

B.L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child

C.N.B., Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC465, Court of Appeals Case No. 23CA2112

Petitioner:

M.D.G.P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

L.V.G. and Y.V.G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC470, Court of Appeals Case No. 23CA1814

Petitioner:

M.R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child

C.A.P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC471, Court of Appeals Case No. 23CA2054

Petitioner:

G.D.G.R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child

A.R.G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC473, Court of Appeals Case No. 24CA54

Petitioner:

B.A.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child

Z.J.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC479, Court of Appeals Case No. 23CA2127

Petitioner:

H.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children

A.C., Ap.E. and Ar.E.

and concerning

V.L.A.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC480, Court of Appeals Case No. 23CA1681

Petitioner:

B.T.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child

C.T.

and concerning

K.P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC481, Court of Appeals Case No. 23CA1887

Petitioner:

C.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child

Z.C.

and concerning

D.C.

Petition for Writ of Certiorari DENIED. EN BANC.
