

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 3, 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.

ORIGINAL PROCEEDING

[24SA234](#) In Re: People v. Silva-Jaquez, Roberto
Show Cause Order issued on August 22, 2024

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC588, Court of Appeals Case No. 20CA1953

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Nikolay Krutitskiy.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *People v. Crabtree*, 22SC589, 2024 CO 40M. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC824, Court of Appeals Case No. 21CA949

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Raymond Jose Salazar.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *People v. Crabtree*, 22SC589, 2024 CO 40M. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC942, Court of Appeals Case No. 21CA749

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Gary Allen Hudson.

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

Whether the court of appeals erred by holding that to prove criminal possession of a financial device, the prosecution must separately prove that an enumerated financial device is capable of use at the time of possession.

DENIED AS TO ALL OTHER ISSUES.

No. 24SC8, Court of Appeals Case No. 22CA1611

Petitioners:

Jennifer Lind-Barnett and Julie Davis,

v.

Respondent:

Tender Care Veterinary Center, Inc.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether Colorado’s anti-SLAPP statute imposes a “nexus” requirement that demands a defendant’s speech encourage, facilitate, or contribute to a general debate before that speech is made “in connection with a public issue or an issue of public interest.”

Whether the same standard for “matter of public concern” under Colorado’s substantive law regarding defamation and invasion of privacy applies equally to the “matter of public interest” provision of Colorado’s anti-SLAPP Act.

[REFRAMED] Whether Colorado’s anti-SLAPP statute requires courts to evaluate a speaker’s motive when determining whether the speech in question was made “in connection with a public issue or an issue of public interest.

DENIED AS TO ALL OTHER ISSUES.

HELD PETITIONS FOR WRIT OF CERTIORARI

No. 23SC810, Jones v. People

Held pending 23SC525, *Johnson v. People*

No. 24SC116, Neal v. People

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

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC903, Court of Appeals Case No. 19CA376

Petitioner:

Jacob Benjamin Woodyard,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC93, Court of Appeals Case No. 20CA1626

Petitioner:

Jorge Tena,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC25, Court of Appeals Case No. 22CA914

Petitioner:

Clinton Cooper,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC95, Court of Appeals Case No. 22CA1867

In re the Marriage of

Petitioner:

Abril Dubbe Meixueiro,

and

Respondent:

Juan Antonio Gonzalez Morales.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC104, Court of Appeals Case No. 22CA925

Petitioner:

The People of the State of Colorado,

In the Interest of

Juvenile:

C. M.W. R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC119, Court of Appeals Case No. 22CA2120

Petitioner:

Jeanmadi del Rosario Velez,

v.

Respondent:

Cory Wolven.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC176, Court of Appeals Case No. 21CA1231

Petitioner:

Daniel Boman Olguin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT does not participate.

No. 24SC178, Court of Appeals Case No. 22CA726

Petitioner:

Brian Eugene Barcelona,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC179, Court of Appeals Case No. 21CA1496

Petitioner:

Michael Allen Fresquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC186, Court of Appeals Case No. 22CA884

Petitioner:

Alejandro Macias,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC187, Court of Appeals Case No. 22CA1587

Petitioner:

Frank Daniel Mascarenas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC190, Court of Appeals Case No. 22CA187

Petitioner:

Mike Encina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC197, Court of Appeals Case No. 21CA927

Petitioner:

Kalvin J. Thompson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC200, Court of Appeals Case No. 23CA1800

Petitioner:

Ike L. King,

v.

Respondents:

Shannon Lyons and Michael Rourke.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC203, Court of Appeals Case No. 21CA1872

Petitioner:

Brett Allan Burke,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC210, Court of Appeals Case No. 21CA495

Petitioner:

Donthe Isiah Richard Lucas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC217, Court of Appeals Case No. 22CA13

Petitioner:

Victor M. Arenas-Foote,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC218, Court of Appeals Case No. 21CA93

Petitioner:

Jesus Lopez-Marquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC221, Court of Appeals Case No. 22CA1677

Petitioner:

Raymond Wilson Fredericks,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC224, Court of Appeals Case No. 22CA234

Petitioner:

Michael V. Dunkum,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 24SC234, Court of Appeals Case No. 22CA415

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

P.N.P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC235, Court of Appeals Case No. 21CA1699

Petitioner:

Bryan Christopher Kirby,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC251, Court of Appeals Case No. 23CA514

Petitioner:

Erin O'Connell,

v.

Respondents:

Woodland Park School District; Woodland Park School District Board of Education; Mike Bates, in his official capacity as a Board Member; David Illingworth, II, in his official capacity as a Board Member; Cassie Kimbrell, in her official capacity as a Board Member; Suzanne Patterson, in her official capacity as a Board Member; and David Rusterholtz, in his official capacity as a Board Member.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE MÁRQUEZ and JUSTICE HART would grant as to the following issue:

Whether, in light of its affirmance of the judgment in favor of O'Connell, the Court of Appeals (COA) was required to award appellate attorney fees under section 24-72-204(5)(b), C.R.S., and under the Court's holding in *Benefield v. Colo. Republican Party*, 2014 CO 57.

JUSTICE HART would grant as to the following issue:

Whether the COA's application of CAR 39.1's procedural requirements to deny appellate attorney fees violates section 24-72-204(5)(b), C.R.S. and contravenes this court's clear precedent in *Benefield, supra*.

No. 24SC294, Court of Appeals Case No. 21CA2014

Petitioner:

Travis E. Cox,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC299, Court of Appeals Case No. 22CA2207

Petitioner:

Dominic John Duvall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC305, Court of Appeals Case No. 24CA149

In re the Marriage of

Petitioner:

Willie A. Clark,
and

Respondent:

Alfreda Caple Clark.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC307, Court of Appeals Case No. 23CA135

Petitioner:

Warren T. Deegan, a/k/a Richard Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC493, Court of Appeals Case No. 23CA2102

Petitioner:

S.O.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.B-P.,

and Concerning

N.A.B-P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC495, Court of Appeals Case No. 24CA21

Petitioner:

B.S.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

E.K.T. and E.G.T.

Petition for Writ of Certiorari DENIED. EN BANC.
