

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
MONDAY, SEPTEMBER 30, 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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**OPINIONS**

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**Supreme Court Case No. 23SA258**  
*Appeal from the District Court*  
District Court, Water Division 1, Case No. 20CW3113  
Honorable Todd Taylor, Water Judge

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In Re the Application for Water Rights of Lazy D Grazing Association in Weld County.

**Opposers-Appellants:**

City of Sterling and City of Fort Collins,

v.

**Applicant-Appellee:**

Lazy D Grazing Association,

**and**

**Opposers-Appellees:**

Basin Lands, LLC; Bijou Irrigation Company; Bijou Irrigation District; Cache La Poudre Water Users Association; City of Boulder; City of Englewood; City of Greeley, acting by and through its Water and Sewer Board; City of Thornton; L.G. Everist, Inc.; Northern Colorado Water Conservancy District; Mary Estabrook; State Engineer and Division Engineer for Water Division No. 1; and United Water and Sanitation District.

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**Judgment Affirmed**  
*en banc*

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

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**Supreme Court Case No. 22SC738**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 19CA2033

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**Petitioner:**

Wayne Tc Sellers IV,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

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

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**Supreme Court Case No. 24SA150**  
*Original Proceeding Pursuant to C.A.R. 21*  
Ouray County Court Case No. 23CR26  
Honorable Sean Kendall Murphy, Judge

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**In Re**  
**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Ashton Michael Whittington.

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**Rule Made Absolute**  
*en banc*

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

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**Supreme Court Case No. 23SA142**

*Certification of Question of Law*

United States District Court for the District of Colorado Case No. 22-cv-02557-NRN

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**Plaintiff:**

Kevin Klabon,

v.

**Defendant:**

Travelers Property Casualty Company of America.

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**Certified Question Answered**

*en banc*

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

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ORIGINAL PROCEEDING

[24SA258](#) In Re People v. Beverly, Patrick  
Order to Show Cause issued on September 27, 2024

GRANTED PETITIONS FOR WRIT OF CERTIORARI

**No. 24SC117, Court of Appeals Case No. 21CA311**

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Jacob Alexander Shockey.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether any claim that the jury’s findings are inconsistent was waived where the findings were read aloud by the district court and the defendant did not object until after the jury was discharged.

Whether a finding on a special interrogatory that the prosecution had not proven beyond a reasonable doubt the defendant used, or possessed and threatened the use of, a deadly weapon is logically and legally inconsistent with a conviction for second degree murder or negates an element of that offense.

Whether the appropriate remedy for an inconsistent verdict and special interrogatory finding is vacation of the conviction and entry of a judgment of acquittal or reversal of the conviction and remand for a new trial.

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**No. 24SC216, Court of Appeals Case No. 23CA73**

**Petitioner:**

Matthew K. Hobbs,  
v.

**Respondents:**

City of Salida; Christy Doon, in her official capacity as City of Salida Administrator; and Giant Hornet LLC d/b/a High Side! Bar and Grill.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether under subsection 25-12-103(11) the City may excuse violations of statewide noise limits set in Colorado’s Noise Abatement Act by permitting for-profit entities to exceed the limits when holding “cultural, entertainment, athletic, or patriotic events” on private property, or are such permits invalid under the Act.

**HELD PETITIONS FOR WRIT OF CERTIORARI**

No. 23SC884, Millard v. People

**Held pending** 22SC583, *People v. Babcock*; 23SC525, *Johnson v. People*; 23SC622, *People v. Roberson*; 23SC168, *Tennyson v. People*

No. 24SC53, People v. Shelton

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

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

No. 23SC875, Douglas County District Court Case No. 22CV30709

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Kevin McKinnon.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 23SC888, Court of Appeals Case No. 22CA1221

**Petitioner:**

GT Resources LLC,

v.

**Respondents:**

Black Hills Corporation, Black Hills Exploration & Production Inc., and Black Hills Gas Resources Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 24SC7, Court of Appeals Case Nos. 22CA1473 & 22CA1984

**Petitioner / Cross-Respondent:**

Jimmy Guire II, as Trustee for GW46 Irrevocable Trust,

v.

**Respondent / Cross-Petitioner:**

Western Fuels-Colorado LLC, n/k/a Elk Ridge Mining & Reclamation, LLC.

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

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**No. 24SC26, Court of Appeals Case No. 22CA2034**

**Petitioners:**

Jonathan J. Webb and Falcon Fire Protection District,

v.

**Respondent:**

John H. Bruce Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC27, Court of Appeals Case No. 22CA476**

**Petitioner:**

Waste Management of Colorado, Inc.,

v.

**Respondents:**

Colorado Department of Public Health and Environment and Hazardous Materials and  
Waste Management Division of Colorado Department of Public Health and  
Environment.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC156, Court of Appeals Case No. 21CA12**

**Petitioner:**

Phillip Paul Madrid,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE MÁRQUEZ would grant as to the following issue:

Whether a defendant is entitled to raise the statutory affirmative defense of duress without showing that the threat was imminent and that there were no reasonable alternatives to the prohibited conduct.

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**No. 24SC175, Court of Appeals Case No. 20CA127**

**Petitioner:**

Jason Howard Butterfield,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.



**No. 24SC182, Court of Appeals Case No. 22CA2044**

**Petitioner:**

South Village, LLC, a Colorado limited liability company, f/k/a Frederick Ranch, LLC,  
v.

**Respondents:**

D.R. Horton, Inc., a Delaware corporation and Melody Homes, Inc., a Delaware  
corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC295, Court of Appeals Case No. 23CA138**

**Petitioner:**

Lower South Platte Water Conservancy District,  
v.

**Respondents:**

James Aranci, Jack Darnell, Charles Miller, William Lauck, and Curtis Werner.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC354, Court of Appeals Case No. 21CA1740**

**Petitioner:**

Demarcus Dlaurence Jones-Brown,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC368, Court of Appeals Case No. 23CA1007**

**Petitioner:**

Ella M. Coney,  
v.

**Respondent:**

Master Homeowners Association for Green Valley Ranch, a Colorado non-profit  
corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC369, Court of Appeals Case No. 21CA683**

**Petitioner:**

Donald Jean Scarlett,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC373, Court of Appeals Case No. 21CA1944**

**Petitioner:**

Jose Miguel Lopez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC376, Court of Appeals Case No. 22CA116**

**Petitioner:**

Gina Renee Vinson-DeHerrera,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC377, Court of Appeals Case No. 23CA28**

**Petitioner:**

Juan Luis Ornelas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT does not participate.

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**No. 24SC380, Court of Appeals Case No. 22CA462**

**Petitioner:**

Rodric Lee Donley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC525, Court of Appeals Case No. 24CA260**

**Petitioner:**

J.B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

S.B.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC532, Court of Appeals Case No. 23CA1142**

**Petitioner:**

G.M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

E.G-M. and V.G-M.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC545, Court of Appeals Case No. 23CA1631**

**Petitioner:**

S.M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

A.S., J.S., and L.A.M.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC546, Court of Appeals Case No. 23CA1954**

**Petitioner:**

C.T.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.F.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC549, Court of Appeals Case Nos. 24CA22 & 24CA23**

**Petitioner:**

C.B.H.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

A.S-H. and E.S-H.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC579, Court of Appeals Case No. 23CA1876**

**Petitioner:**

T.S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

S.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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