

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, SEPTEMBER 3, 2019**

"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 case number to view the opinion in pdf format.

ORIGINAL PROCEEDING

[19SA180, In Re: People v. Rowell, James](#)

Larimer County District Court, 18CR1611 & 19CR15

Order and Rule to Show Cause Issued on August 21, 2019

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC98, Court of Appeals Case No. 17CA132

Petitioner:

Gregory Brad Fisher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether an amendment to an information expanding the date range after trial began is permissible under the due process clauses of the U.S. and Colorado Constitution and Crim. P. 7(e).

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

HELD PETITIONS FOR WRIT OF CERTIORARI

18SC923, People v. Rigsby
Held pending 17SC29, People v. Delgado

19SC50, People v. Struckmeyer
Held pending 17SC29, People v. Delgado

19SC125, Patton v. People
Held pending 18SC801, People v. Cali

19SC207, Martin Trust v. Board of County Commissioners of La Plata County
Held pending 18SC499, Board of Assessment Appeals v. Kelly; 18SC434, Mook v. Board of County Commissioners; 18SC544, Board of County Commissioners v. Hogan; and Ziegler v. Board of County Commissioners

19SC217, People v. Peaslee
Held pending 18SC630, People v. Yeadon

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC601, Court of Appeals Case No. 15CA867

Petitioner:

Sean Michael Sabell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC632, Court of Appeals Case No. 16CA221

Petitioner:

Xavier Claypool,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC752, Court of Appeals Case No. 14CA453

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Michael J. Richards.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT would grant as to the following issue:

JUSTICE GABRIEL does not participate.

Whether the court of appeals' opinion impermissibly expands *Davis v. United States*, 512 U.S. 452, 458-59 (1994), by requiring law enforcement officers to ignore a defendant's voluntary choice to reinitiate a conversation with police.

No. 18SC824, Arapahoe County District Court Case No. 17CV31022

Petitioner:

Charlene Leek,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC842, Court of Appeals Case No. 16CA1213

Petitioner:

Jesus Ricardo Borrego,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC909, Court of Appeals Case No. 17CA259

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Maksim V. Timoshchuk.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS and JUSTICE BOATRRIGHT would grant as to the following issues:

Whether a defense attorney in a probation revocation proceeding has a duty to advise a defendant concerning the deportation consequences of a probation admission.

Whether a defense attorney has a duty to advise a criminal defendant concerning the asylum consequences of a guilty plea or probation admission.

Whether the asylum consequences of defendant's admission to a probation violation were truly clear on the face of the relevant immigration statutes.

No. 18SC911, Court of Appeals Case No. 18CA625

Petitioner:

Shannon Deane Burke,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC912, Court of Appeals Case No. 16CA444

Petitioner:

Matthew James Ray,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC914 Court of Appeals Case No. 17CA1926

Petitioner:

Kara Loveridge,

v.

Respondent:

The City of Thornton.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC24 Teller County District Court Case No. 18CV30021

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Edward Alan Welch.

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

No. 19SC34, Court of Appeals Case No. 18CA110

Petitioner:

A.N.M.,

v.

Respondent:

E.R.,

for the Adoption of a Child

L.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC37, Court of Appeals Case No. 14CA2131

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Steffano Shayron Simpson.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC39, Court of Appeals Case No. 17CA1656

Petitioner:

Washington Park United Methodist Church,

v.

Respondent:

Myrtle Hill Homeowners Association.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC64, Court of Appeals Case No. 15CA1810

Petitioner:

Abraham Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

19SC127, La Plata County District Court Case No. 18CV30047

Petitioner:

Scott Sabinski,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC173, Court of Appeals Case No. 16CA195

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

K. G.- B.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC182, Court of Appeals Case No. 16CA737

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Robert Leonard Denhartog.

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

No. 19SC195, Court of Appeals Case No. 16CA805

Petitioner:

Gerald Wayne Moore,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC196, Court of Appeals Case No. 16CA868

Petitioner:

Albert Peter Grenier,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

No. 19SC220, Court of Appeals Case No. 14CA2358

Petitioner:

Macyo Joelle January,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC221, Court of Appeals Case No. 17CA447

Petitioner:

Cullin Barnes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC244, Court of Appeals Case No. 15CA1453

Petitioner:

David Dewayne Henkel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC262, Court of Appeals Case No. 15CA1593

Petitioner:

Chadwick Dean Downie,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC263, Court of Appeals Case No. 16CA496

Petitioner:

Joseph Daniel Thomas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC272, Court of Appeals Case No. 18CA604

Petitioner:

Angelo Michael Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC290, Court of Appeals Case No 15CA1914

Petitioner:

Daniel Lee Schaal,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC291, Court of Appeals Case No. 15CA1913

Petitioner:

Daniel Lee Schaal,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC293, Court of Appeals Case No. 15CA976

Petitioner:

Ralph Carl Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC309, Court of Appeals Case No. 15CA1801

Petitioner:

Carlton Wayne Hackett,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC310, Court of Appeals Case No. 15CA1903

Petitioner:

Nancy Jo Arias,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC328, Court of Appeals Case No. 17CA1576

Petitioner:

Wayne Francis Dalrymple,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC331, Court of Appeals Case No. 15CA122

Petitioner:

Charles Lamont Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC332, Court of Appeals Case No. 15CA2028

Petitioner:

Kevin Franklin Elmarr, Sr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC337, Court of Appeals Case No. 17CA2260

Petitioner:

George Rinker,

v.

Respondent:

Lori Colina-Lee.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC339, Court of Appeals Case No. 17CA251

Petitioner:

Jason Aragon Yanaga,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC351, Court of Appeals Case No. 16CA1633

Petitioner:

Timothy Morarie,

v.

Respondent:

The People of the State of Colorado.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC376, Court of Appeals Case No. 17CA1160

Petitioner:

Shawn Michael Harrington,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC378, Court of Appeals Case No. 17CA825

Petitioner:

James Arthur Hogue,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC384, Court of Appeals Case No. 15CA1723

Petitioner:

Quan Tam Nguyen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 19SC386, Court of Appeals Case No. 17CA978

Petitioner:

John Patrick Kean,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC397, Court of Appeals Case No. 17CA200

Petitioner:

Monroe Sandel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR does not participate.

No. 19SC399, District Court, City and County of Denver Case No. 18CV33429

Petitioner:

CACH, LLC,

v.

Respondent:

James Olechowski.

Petition for Writ of Certiorari DENIED. EN BANC.

19SC400, Court of Appeals Case No. 17CA1512

Petitioner/Cross-Respondent:

Michael James Loupe,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 19SC416, Weld County District Court Case No. 18CV30754

Petitioner:

Justin Marquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC417, Court of Appeals Case No. 17CA2216

Petitioner:

David Dupler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC418, Court of Appeals Case No. 18CA763

Petitioner:

Barbara McGlothlen,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado; Karman, Inc.; and Pinnacol Assurance.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC423, Court of Appeals Case No. 16CA382

Petitioner:

Brian Trickel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 19SC433, Court of Appeals Case No. 17CA909

Petitioner:

Scott Leroy Austine,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC435, Court of Appeals Case No. 17CA700

Petitioner:

Daryl Keener,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC440, Court of Appeals Case No. 17CA2121

Petitioner:

Zachary Keith Swisher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC442, Gunnison County District Court Case No. 18CV30063

Petitioner:

Brett Nelson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC529, Court of Appeals Case No. 18CA1595

Petitioner:

R. S. W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

E. T. R.,

and Concerning

D. M. R.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC537, Court of Appeals Case No. 18CA1429

Petitioners:

N. R. and H. S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. C. R., G. J. J. R. a/k/a G.J.J.S., and A. J. R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC538, Court of Appeals Case No. 18CA2410

Petitioner:

U. C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Is. C.-R. and Ii. C.R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC541, Court of Appeals Case No. 18CA1595

Petitioner:

D. R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

E. T. R.,

and Concerning

R. S. W.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC543, Court of Appeals Case No. 18CA1468

Petitioner:

T. G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Tre. G. and Tra. G.,

and Concerning

B. P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC563, Court of Appeals Case No. 18CA1574

Petitioner:

C. W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Z. S., Z. S., and Z. W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC564, Court of Appeals Case No. 18CA2314

Petitioner:

E. P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

B. P. and N. P.

Petition for Writ of Certiorari DENIED. EN BANC.
