

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, SEPTEMBER 14, 2020**

"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.

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**OPINIONS**

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**[2020 CO 70](#)**

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**[Supreme Court Case No. 19SC98](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 17CA132

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**Petitioner:**

Gregory Brad Fisher,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Reversed**  
*en banc*

**JUSTICE BOATRIGHT** delivered the Opinion of the Court.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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[2020 SC 71](#)

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[Supreme Court Case No. 19SC292](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 16CA750

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**Petitioner:**

Daniel J. Gonzales,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

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**JUSTICE HOOD** delivered the Opinion of the Court.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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[2020 CO 72](#)

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[Supreme Court Case No. 18SC543](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 14CA1332

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**Petitioner:**

Steven Curtis Thompson,

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.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2020 CO 73**

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**Supreme Court Case No. 18SC760**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 17CA1616

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**Petitioners:**

Bill Barrett Corporation; Bonanza Creek Energy, Inc.; and Noble Energy, Inc.,

v.

**Respondents:**

Robert Lembke, 70 Ranch L.L.C., South Beebe Draw Metropolitan District f/k/a  
Bromley Park Metropolitan District No. 1, and United Water and Sanitation District.

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**Judgment Affirmed**

*en banc*

**JUSTICE HART** delivered the Opinion of the Court.

**JUSTICE GABRIEL** dissents, and **JUSTICE BOATRIGHT** and **JUSTICE SAMOUR**  
join in the dissent.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**[2020 CO 74](#)**

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**[Supreme Court Case No. 18SC923](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 16CA138

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Derek Michael Rigsby.

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**Judgment Reversed**  
*en banc*

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**JUSTICE SAMOUR** delivered the Opinion of the Court.  
**JUSTICE GABRIEL** dissents.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**RULE CHANGES**

[RULE CHANGE 2020\(28\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rules 103 and 403; Forms 26, 27, 28, 29, 32, 33, and New Form Notice to Judgment Debtor

**Amended and Adopted by the Court, En Banc, September 10, 2020, effective October 1, 2020.**

[RULE CHANGE 2020\(29\)](#)

COLORADO RULES OF PROFESSIONAL CONDUCT

Rules 7.1, 7.2, 7.3, 7.4, and 7.5

**Amended and Adopted by the Court, En Banc, September 10, 2020, effective immediately.**

**ORIGINAL PROCEEDINGS**

- [20SA178](#) In Re People v Lucas, Donthe  
Order Issued on September 11, 2020
- [20SA308](#) In Re the Marriage of Ballinger  
Order to Show Cause issued on September 8, 2020
- [20SA313](#) In Re Green, M.D., Melanie v. Portercare  
Order to Show Cause issued on September 8, 2020

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 20SC142, Court of Appeals Case No. 17CA982**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Levi Derek Hall.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether, in a bench trial, the trial court reversibly erred when it solicited the parties' arguments on properly admitted evidence before the court announced its verdict.

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**No. 20SC314, Court of Appeals Case No. 19CA991**

**Petitioners:**

The People of the State of Colorado,

In the Interest of Minor Child, S.A.G.;

and

S.A.G,

v.

**Respondents:**

B.A.G. and A.W.D.

Petitions for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in its analysis of the Uniform Child-custody Jurisdiction and Enforcement Act ("UCCJEA") in concluding that the trial court did not have subject matter jurisdiction pursuant to the UCCJEA to enter its judgment and order terminating Father's and Mother's parental rights to the child, S.A.G.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC401, Court of Appeals Case No. 16CA348**

**Petitioner:**

Mark A. Strepka,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

CHIEF JUSTICE COATS does not participate.

Whether trial courts lose jurisdiction to dispose of property, unlawfully seized by the government from Colorado citizens, at the instant criminal charges are dismissed.

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**No. 20SC438, Court of Appeals Case No. 18CA156**

**Petitioner:**

Wesley Richard DePriest,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred by dismissing petitioner's appeal from the revocation of his deferred judgment and sentence as moot.

DENIED AS TO ALL OTHER ISSUES.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC498, Court of Appeals Case No. 19CA2286**

**Petitioners:**

The People of the State of Colorado,  
In Interest of Minor Child, B.H.;;  
and  
B.H.,  
v.

**Respondent:**

D.H.

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

[REFRAMED] Whether the juvenile court had jurisdiction under the Uniform Child-custody Jurisdiction and Enforcement Act (“UCCJEA”) to order termination of the parent-child legal relationship.

Whether the District Court violated Father’s right to due process when it denied him counsel at the termination hearing.

Whether the District Court abused its discretion when it found the department made reasonable efforts to reunite the family despite the department failing to mail out family finding letters and explore a reasonable number of placement options as a less drastic alternative to the termination of Father’s parental rights.

DENIED AS TO ALL OTHER ISSUES.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC533, Court of Appeals Case No. 19CA1682**

**Petitioner/Cross-Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

K.C. and L.C.,

v.

**Respondents/Cross-Petitioners:**

K.C. and L.C.

and Concerning

**Respondent:**

D.C.

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

[REFRAMED] Whether the Indian Child Welfare Act (“ICWA”) requires the trial court to hold a “tribal enrollment hearing” to determine whether it is in the children’s best interest to become Indian Children as a pre-requisite to termination of parental rights.

Whether the trial court can order the Department to enroll children in an Indian tribe over a parent’s objection during a “tribal enrollment hearing.”

Whether the Court of Appeals, in departing from decisions of other divisions, erred in reversing the judgment of the trial court rather than limitedly remanding the proceedings for further determinations.

DENIED AS TO ALL OTHER ISSUES

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 20SC12, Court of Appeals Case No. 17CA2225**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Alicia Sherie Sosa.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC208, Court of Appeals Case No. 13CA1713**

**Petitioner:**

Darryl Lewis Lynch,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 20SC233, Court of Appeals Case No. 16CA1348**

**Petitioner:**

Ryan Cole Stone,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC237, Arapahoe County District Court Case No. 19CV30559**

**Petitioner:**

James Fisher,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC253, Court of Appeals Case No. 17CA2139**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Christopher Andrew Lopez.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC288, Court of Appeals Case No. 16CA1458**

**Petitioner:**

Leonard Paul Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC290, Court of Appeals Case No. 17CA2049**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Jessica Marie Adams.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC316, Court of Appeals Case No. 17CA186**

**Petitioner:**

Darrick Anthony Heimann,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC318, Court of Appeals Case No. 18CA489**

**Petitioner:**

Philip Christopher Butler,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC336, Court of Appeals Case No. 19CA149**

**In re the Marriage of**

**Petitioner:**

Mark Alan Edwards,

and

**Respondent:**

Barbara Jo Edwards.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC346, Court of Appeals Case No. 16CA981**

**Petitioner:**

Jimmy Lee Perry,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC351, Court of Appeals Case No. 18CA6**

**Petitioner:**

John Svitak,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC357, Court of Appeals Case No. 19CA1762**

**Petitioner:**

Edward J. Chick,

v.

**Respondents:**

Industrial Claim Appeals Office and Fountain School District No. 8.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC368, Court of Appeals Case No. 19CA52**

**Petitioner:**

Eric St. George,

v.

**Respondent:**

Jeffrey Larson.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC381, Arapahoe County District Court Case No. 19CV39**

**Petitioner:**

Sean Douglas Berkey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC383, Court of Appeals Case No. 17CA826**

**Petitioner:**

Paul Raymond Parcell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC384, Court of Appeals Case No. 17CA1767**

**Petitioner:**

Paul Raymond Parcell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC389, Pueblo County District Court Case No. 19CV30578**

**Petitioner:**

David Utsler,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC390, Douglas County District Court Case No. 19CV31046**

**Petitioner:**

Kaede Shimizu,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC398, Court of Appeals Case No. 17CA2073**

**Petitioner:**

Joshua Hubert Green,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC410, Court of Appeals Case No. 17CA298**

**Petitioner:**

Charles N. Slater,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC412, Court of Appeals Case No. 18CA583**

**Petitioner:**

Gerald Jorgensen,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC418, Court of Appeals Case No. 17CA1945**

**Petitioner:**

Jason A. Long,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC419, Court of Appeals Case No. 18CA633**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

E. M. K. D.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC423, Montrose County District Court Case No. 19CV20**

**Petitioner:**

Richard L. Romero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC426, Court of Appeals Case No. 18CA2459**

**Petitioners:**

Andrew J. O'Connor and Mary E. Henry,

v.

**Respondent:**

Comcast of Colorado, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC428, Court of Appeals Case No. 17CA1399**

**Petitioner:**

Ian Joseph Gillis,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC433, Court of Appeals Case No. 17CA1943**

**Petitioner:**

John Leroy Pacheco,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC445, Court of Appeals Case No. 18CA2105**

**Petitioner:**

Daniel Edward Sullivan,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC488, Court of Appeals Case No. 19CA1974**

**Petitioner:**

J. J. M.-S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

E. J. M.-S.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC494, Court of Appeals Case No. 18CA1124**

**Petitioner:**

Sofia Monique Espino,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC500, Court of Appeals Case No. 18CA1869**

**Petitioner:**

Paul David Minich,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC506, Court of Appeals Case No. 17CA1300**

**Petitioner:**

Lawrence Franklin,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC511, Court of Appeals Case No. 19CA1855**

**Petitioner:**

J. D.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

B. D., C. D., and N. D.,

**and Concerning**

L. C.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC517, Court of Appeals Case No. 17CA1205**

**Petitioner:**

Darlene Anna Spears,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT does not participate.

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**No. 20SC520, Court of Appeals Case No. 18CA2187**

**Petitioner:**

Andrew Arthur Michel,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC521, Court of Appeals Case No. 17CA2241**

**Petitioner:**

Jawaun L. Ward,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC529, Court of Appeals Case No. 18CA2318**

**Petitioner:**

Victor Montour,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC543, Court of Appeals Case no. 18CA2031**

**Petitioner:**

Vincent Alfonso Tafoya,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC549, Court of Appeals Case No. 19CA445**

**Petitioner:**

Victor Luis Castillo-Rosales,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC621, Court of Appeals Case No. 19CA1651**

**Petitioner:**

E. U.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A. U.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC636, Court of Appeals Case No. 19CA1617**

**Petitioner:**

R. M. L.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A. L.,

**and Concerning**

J. L. a/k/a J.P.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC650, Court of Appeals Case No. 19CA305**

**Petitioner:**

N. B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

E. B., B. B., and J. B.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC658, Court of Appeals Case No. 20CA138**

**Petitioner:**

S. H.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

K. H. and L. S. C.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 20SC660, Court of Appeals Case No. 19CA2179**

**Petitioner:**

A. G.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

M. A., A. A., and T. G.

Petition for Writ of Certiorari DENIED. EN BANC.

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