

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 13, 2021**

"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.

OPINIONS

[2021 CO 62](#)

Supreme Court Case No. 20SC9
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA1243

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Rafael Phillip Tafoya.

Judgment Affirmed

en banc

CHIEF JUSTICE BOATRIGHT delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 63](#)

Supreme Court Case No. 20SC47
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA2178

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Gabriel Sanchez.

Judgment Affirmed
en banc

CHIEF JUSTICE BOATRIGHT delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 64](#)

Supreme Court Case No. 20SC354
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA1096

Petitioner:

Marquis DeShawn McDonald,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed
en banc

JUSTICE HOOD delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 65](#)

Supreme Court Case No. 20SC261
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA91

Petitioner:

Peggy Harvey,

v.

Respondents:

Catholic Health Initiatives d/b/a Centura Health-St. Anthony Hospital and Centura Health Corporation.

Judgment Reversed
en banc

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COLORADO SUPREME COURT CASE ANNOUNCEMENTS

Supreme Court Case No. 20SC784
C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1522
Pueblo County District Court Case No. 19CV30025
Honorable Allison P. Ernst, Judge

Petitioner:

Eileen Manzanares,

v.

Respondent:

Centura Health Corporation a/k/a Catholic Health Initiatives Colorado, d/b/a St Mary-Corwin Hospital of Pueblo, Colorado, d/b/a Centura Health-St Mary Corwin Medical Center.

Judgment Reversed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[**2021 CO 66**](#)

Supreme Court Case No. 21SA147
Original Proceeding Pursuant to C.A.R. 21
District Court, City and County of Denver, Case No. 21CV91
Honorable Shelley Gilman, Judge

In Re

Plaintiff:

Robert A. Francis,

v.

Defendants:

Benjamin Wegener; Younge & Hockensmith, P.C.; Wegener, Scarborough, Younge & Hockensmith, LLP; and Aspen Mountain Condominium Association.

Rule Made Absolute
en banc

JUSTICE SAMOUR delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGE

[RULE CHANGE 2021\(18\)](#)

COLORADO RULES OF PROFESSIONAL CONDUCT

Rule 1.5

Amended and Adopted by the Court, En Banc, September 9, 2021, effective January 1, 2022.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC119, Court of Appeals Case No. 17CA1896

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Charles Raider, Jr.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in interpreting the Expressed Consent Statute to provide DUI suspects with protection from the use of physical restraint in the execution of a valid search warrant or court order.

No. 21SC183, Court of Appeals Case No. 18CA481

Petitioner:

Cheryl Lynette Plemmons,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the trial court reversibly erred by instructing the jury on “harm.”

Whether there was sufficient evidence that petitioner intended to “infect, injure, or harm” under section 18-3-203(1)(h), C.R.S. (2020).

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC232, Court of Appeals Case No. 20CA170

Petitioner:

Arapahoe County Department of Human Services,

v.

Respondents:

Monica Velarde and Michael Moore.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in its interpretation of the plain language of C.R.S. section 24-4-106 by concluding a state agency is jurisdictionally barred from judicially enforcing any final agency action if it fails to do so within the 35-day timeframe prescribed for persons adversely affected by agency actions to seek judicial review of those actions.

HELD PETITIONS FOR WRIT OF CERTIORARI

No. 21SC167, Padilla v. People

Held pending 20SC399, *Rojas v. People*

No. 21SC264, Forquer v. People

Held pending 20SC399, *Rojas v. People*

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 20SC939, Court of Appeals Case No. 17CA1617

Petitioner:

Raymond Demon Brown,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC960, Court of Appeals Case No. 18CA935

Petitioner:

Kevin Martin Montgomery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC38, Arapahoe County District Court Case No. 18CV32528

Petitioner:

Michael Olmstead,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC147, Court of Appeals Case No. 18CA1696

Petitioner:

Donte Kaye Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC149, Court of Appeals Case No. 19CA663

In re the Estate of Jacqueline Kay Freudenstein, deceased.

Petitioner:

Regina Freudenstein Miller,

v.

Respondents:

Diana Diaz and Vanessa McCormick.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC203, Court of Appeals Case No. 17CA1742

Petitioner:

Tolentino Corzo-Avendano,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC239, Court of Appeals Case No. 19CA503

Petitioner:

Isaias Islas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC259, Court of Appeals Case No. 19CA1812

Petitioner:

Raul Hurtado Marquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL would grant as to the following issue:

Whether the court of appeals erred in finding that after a post-conviction court has appointed alternate defense counsel to represent a defendant, the court may summarily deny the petition without ordering the prosecutor to respond and without holding a hearing, if appointed counsel fails to file a supplemental petition within 49 days of his or her appointment under Crim. P. 35(c)(3)(V).

No. 21SC274, District Court, Pitkin County, Case No. 20CV4

Petitioner:

420 W Main LLC,

v.

Respondent:

Andrew Turchin, DMD.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issue:

Whether the appellate court erred by calculating the opening brief deadline from the date the record was certified and delivered to the district court rather than from the date the record was filed in contravention of the plain language of C.R.C.P. 411 and section 13-6-311(4), C.R.S. (2020).

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC296, Court of Appeals Case No. 17CA39

Petitioner:

Kenneth D. Mackey,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC306, Teller County District Court Case No. 21CV30003

Petitioner:

Edwin Cox,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC307, Court of Appeals Case No. 20CA120

In re the Estate of Frederick R. Gutierrez, deceased.

Petitioner:

Deborah Lynn Rickard,

v.

Respondent:

Mark David Garberich, Personal Representative.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC315, Court of Appeals Case No. 20CA648

Petitioner:

Norman Vasquez, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC343, Court of Appeals Case No. 19CA414

Petitioner:

Stephaine Jackson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC345, Court of Appeals Case No. 20CA1214

In re the Marriage of:

Petitioner:

Rose Butler Brownlee,

and

Respondent:

Hale Perry Brownlee.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC349, Arapahoe County District Court Case No. 20CV32109

Petitioner:

Jaydin Gonzales,

v.

Respondent:

The People of the City of Aurora.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC351, Court of Appeals Case No. 19CA963

Petitioner:

Kevin Andrew Seitz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC358, Court of Appeals Case No. 19CA1714

Petitioner:

Shane E. Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC359, Court of Appeals Case No. 18CA1411

Petitioner:

Michael Leroy Shepperson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC361, Court of Appeals Case No. 19CA1558

Petitioner:

Joshua Lee Howard,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC362, Court of Appeals Case No. 18CA1097

Petitioner:

Jacob Smilanic,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC365, Court of Appeals Case No. 18CA544

Petitioner:

Toussaint Lamar Hampton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC369, Court of Appeals Case No. 18CA628

Petitioner:

Ruben Candelario,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC371, Fremont County District Court Case No. 20CV30103

Petitioner:

Timothy Allen McNurney,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC373, Court of Appeals Case No. 18CA1455

Petitioner:

Luis Pineda-Lara,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC380, Court of Appeals Case No. 17CA86

Petitioner:

Michael Graham,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC382, Court of Appeals Case No. 19CA1388

Petitioner:

Aaron Lynn Neff,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC384, Fremont County District Court Case No. 20CV30104

Petitioner:

Rodney Marques,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC385, Court of Appeals Case No. 18CA1855

Petitioner:

Liliana Diaz-Delgado,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC386, Court of Appeals Case No. 18CA2435

Petitioner:

Scott Patrick Frickleton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC392, Court of Appeals Case No. 18CA2402

Petitioner:

Stephvon Gilbert Atencio,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC400, Court of Appeals Case No. 20CA188

Petitioner:

Julia Elizabeth Lawhon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC401, Court of Appeals Case No. 19CA1177

Petitioner:

Orlando Ramon Lopez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC402, Arapahoe County District Court Case No. 20CV32129

Petitioner:

Artem Nechesa,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC403, Adams County District Court Case No. 19CV31602

Petitioner:

Joe Chacon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC408, Court of Appeals Case No. 19CA215

Petitioner:

Tyjon Jihad Villa,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC409, Court of Appeals Case No. 18CA1307

Petitioner:

James Myles Naas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC410, Court of Appeals Case No. 18CA1002

Petitioner:

Jerrid Lee Salazar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC411, Court of Appeals Case No. 19CA2072

Petitioner:

Dreion Martise Dearing,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC418, Court of Appeals Case No. 18CA2172

Petitioner:

Lauren L. Powers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC419, Court of Appeals Case No. 19CA695

Petitioner:

Michael Quintana,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC421, Court of Appeals Case No. 19CA274

Petitioner:

Shane M. Grant,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC577, Court of Appeals Case No. 20CA1690

Petitioner:

R. H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

J. R. and N. R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC582, Court of Appeals Case No. 20CA2089

Petitioner:

M. R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

D. J.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC601, Court of Appeals Case No. 20CA2147

Petitioner:

R. P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L. P.,

and Concerning

C. F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC607, Court of Appeals Case No. 20CA2050

Petitioner:

L. K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

N. T., A. L., and D. M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC610, Court of Appeals Case No. 20CA1966

Petitioners:

M. V. and D. T.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. N. T. and A. V.

Petitions for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC611, Court of Appeals Case No. 20CA1900

Petitioner:

M.M., a/k/a M.N.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Jeh. N., Jo. N., and Jez. N.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC612, Court of Appeals Case No. 20CA2165

Petitioner:

E. T. K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L. J. K.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC613, Court of Appeals Case No. 21CA4

Petitioner:

C. S.-G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. H. L.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC619, Court of Appeals Case No. 20CA1733

Petitioner:

N. P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

B. P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC623, Court of Appeals Case No. 21CA2

Petitioner:

D. F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. F. and A. L. F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC624, Court of Appeals Case No. 20CA2086

Petitioner:

S. N.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

S. N.

Petition for Writ of Certiorari DENIED. EN BANC.
