

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, OCTOBER 5, 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.

PETITION FOR REHEARING

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.

Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDINGS

- [21SA273](#) In Re PacifiCorp v Cross Mountain
Order to Show Cause issued on September 27, 2021
- [21SA290](#) In Re People v Watkins, Cassidy
Order to Show Cause issued on September 28, 2021

GRANTED PETITION FOR WRIT OF CERTIORARI

No. 21SC79, Court of Appeals Case No. 17CA2294

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Terrel Shameek Turner.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the defendant waived the public trial claim he raised on appeal under *Stackhouse v. People*, 2015 CO 48, 386 P.3d 440, by affirmatively electing not to take a position on his co-defendant's public trial objection.

Whether excluding the co-defendant's wife from the courtroom for cause constituted a "closure" of the courtroom implicating the Sixth Amendment right to a public trial.

[REFRAMED] Whether excluding the co-defendant's wife violated the defendant's Sixth Amendment right to a public trial if her exclusion was a "closure," and whether automatic reversal, rather than remand for further findings, is the appropriate remedy.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC195, Court of Appeals Case No. 17CA1286

Petitioner:

Jose Ruben Hernandez-Montero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

No. 21SC357, Court of Appeals Case No. 18CA1912

Petitioner:

Evens Fleurantus,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC374, Court of Appeals Case No. 17CA1816

Petitioner:

Robert Edward Hill,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC376, Phillips County District Court Case No. 21CV30000

Petitioner:

David Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC378, Court of Appeals Case No. 18CA483

Petitioner:

Dane Alan Graves,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC379, Court of Appeals Case No. 19CA862

Petitioner:

Jose Sarabia-Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC383, Court of Appeals Case No. 18CA1749

Petitioner:

Peter Robert Hatfield, III,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC387, Court of Appeals Case No. 18CA1999

Petitioner:

James Roderick Goss,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC394, Court of Appeals Case No. 17CA950

Petitioner:

Lori Jo Golden,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC398, Court of Appeals Case No. 19CA1103

Petitioner:

Courtney Durks Rodrigue,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC399, Court of Appeals Case No. 18CA1096

Petitioner:

Marisela Martinez-Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HART would grant as to the following issues:

Whether Colorado's catchall sentencing aggravator violates the Sixth Amendment under *United States v. Gaudin*.

Whether Colorado's catchall sentencing aggravator is unconstitutionally vague in light of *Apprendi*.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC404, Court of Appeals Case No. 19CA378

Petitioner:

Joe Anthony Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC415, Court of Appeals Case No. 20CA984

Petitioner:

Merceir C. Welch,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC637, Court of Appeals Case No. 20CA2160

Petitioner:

O. C. J.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M. C. J.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC667, Court of Appeals Case No. 20CA1856

Petitioner:

D. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

D. E.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC671, Court of Appeals Case No. 21CA539

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Juan Bustos-Chavez.

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