

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, SEPTEMBER 6, 2022**

"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

[22SA282](#)

In Re People in the interest of L.S.
Order to Show Cause issued September 1, 2022

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC781, Court of Appeals Case No. 20CA1692

Petitioners/Cross-Respondents:

State of Colorado, ex rel. Philip J. Weiser, as Attorney General of the State of Colorado and Martha Fulford as Administrator of the Uniform Consumer Credit Code,

v.

Respondents/Cross-Petitioners:

Center for Excellence in Higher Education, Inc., a not-for-profit company; CollegeAmerica Denver, Inc.; CollegeAmerica Arizona, Inc., divisions thereof, d/b/a CollegeAmerica; Stevens-Henager College Inc., a Division thereof, d/b/a Stevens-Henager College; CollegeAmerica Services, Inc., a Division thereof; The Carl Barney Living Trust; Carl Barney, Chairman of Center for Excellence in Higher Education, Inc. and Trustee of the Carl Barney Living Trust; and Eric Juhlin, Chief Executive Officer of Center for Excellence in Higher Education, Inc.

Petition and Cross-Petition for Writ of Certiorari GRANTED. EN BANC.
JUSTICE BERKENKOTTER does not participate.

Whether the division erred when it assumed reversible prejudice based on an error that could have theoretically affected a party's strategic incentives at trial.

Whether the division erred in requiring a new trial where other procedures, including additional proceedings under Rule 59(f), would satisfy the requirements of substantial justice.

Whether the court of appeals erred when it created requirements for individualized evidence in applying the unconscionability standard in section 5-6-112, C.R.S. (2021).

Whether there is a right to a jury trial when the State seeks large monetary penalties under the Colorado Consumer Protection Act (the 'CCPA').

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022

No. 21SC885, Court of Appeals Case No. 20CA641

Petitioners:

Colorado State Board of Education and Douglas County School District RE 1,
v.

Respondents:

Judy A. Brannberg and John Dewey Institute, Inc.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the last sentence of the section 22-30.5-108(3)(d) - “The decision that the state board shall be final and not subject to appeal” - applies to all state board decisions under 108(3).

No. 21SC895, Court of Appeals Case No. 17CA1381

Petitioner/Cross-Respondent:

Jose Garcia,

v.

Respondent/Cross-Petitioner:

Colorado Cab Company LLC, a Colorado limited liability company d/b/a Denver Yellow Cab.

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

[REFRAMED] Whether the division improperly narrows causation in rescuer scenarios by creating a dual-foreseeability test and applying it to each post-onset “volitional act” during the assaultive episode to overturn the jury’s causation determination and hold that using the taxi in the assault was a superseding cause of the taxi-related injuries as a matter of law.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC902, Court of Appeals Case No. 18CA2422

Petitioner:

Eli Joseph Shortt,

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' decision, reversing petitioner's felony assault conviction for insufficient evidence the victim was an at-risk adult, yet authorizing the prosecution to retry him for felony assault, is not in accord with this court's decision in *In re People v. Viburg*, 2021 CO 81M, 500 P.3d 1123 and *Linnebur v. People*, 2020 CO 79M, 476 P.3d 734.

No. 21SC931, Court of Appeals Case No. 20CA740

Petitioners:

Caleb Crandell, as Trustee of the Albert and Mary Jane Frei Irrevocable Trust; Albert Frei and Sons, Inc.; and AR & MJ Frei Limited Partnership; and all unknown persons who may claim an interest in the subject matter of this action,

v.

Respondent:

Young Ranch East, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC946, Court of Appeals Case No. 20CA1264

Petitioner:

Freedom Holding Company, LLC, a Colorado limited liability company,

v.

Respondents:

Joel Eugene Ritchey, David Wesley Ritchey, Brenda Kay Haffner, and Kim Marie Wolf.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022*

No. 22SC59, Court of Appeals Case No. 19CA343

Petitioner:

Robert William McCuan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC61, Court of Appeals Case No. 17CA982

Petitioner:

Levi Derek Hall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC77, Court of Appeals Case No. 18CA2095

Petitioner:

Freddy Torres Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC96, Court of Appeals Case No. 18CA2377

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

B.J.F.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022*

No. 22SC97, Court of Appeals Case No. 20CA1705

Petitioners:

Raquel Gallardo; Laura Leticia Pantoja; and Vintage Environmental, Inc.,
v.

Respondent:

Dimas A. Guardado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC105, Court of Appeals Case No. 18CA636

Petitioner/Cross-Respondent:

The People of the State of Colorado,
v.

Respondent/Cross-Petitioner:

Kenneth Michael Kaminga.

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

No. 22SC108, Court of Appeals Case No. 18CA2334

Petitioner:

Joshua Alan Strickler,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC117, Court of Appeals Case No. 20CA896

Petitioner:

Deanna Rhoads,
v.

Respondents:

Pueblo County Court and Honorable David Lobato.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022*

No. 22SC124, Jefferson County District Court Case No. 21CV30541

Petitioner:

Rolf Von Merveldt, III,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC150, District Court, City and County of Denver Case No. 21CV32890

Petitioner:

David Jarrett,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC154, Court of Appeals Case No. 15CA576

Petitioner:

Kerry Lee Cooper,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC158, Court of Appeals Case No. 19CA1377

Petitioner:

Dexter Ray,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022*

No. 22SC161, Jefferson County District Court Case No. 21CV30519

Petitioner:

Anna Loar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC164, Court of Appeals Case No. 19CA114

Petitioner:

Albert John Lucero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC171, Court of Appeals Case No. 18CA1690

Petitioner:

Jose Dejesus Madrid,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC175, Court of Appeals Case No. 18CA1310

Petitioner:

Glenn Lainfiesta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
TUESDAY, SEPTEMBER 6, 2022*

No. 22SC176, Court of Appeals Case No. 18CA958

Petitioner:

Joshua Lance Parker,

v.

Respondent:

The People of the State of Colorado.

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

No. 22SC179, District Court, City and County of Denver Case No. 18CV34234

Petitioner:

Peter Barnes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC181, Mesa County District Court Case No. 19CV30445

Petitioner:

Jimmy Weber,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC183, Adams County District Court Case No. 21CV30212

Petitioner:

Kayla Miller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC184, Court of Appeals Case No. 18CA1071

Petitioner:

James C. Close,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC189, Court of Appeals Case No. 19CA1929

Petitioner:

Mark Bailey Welch,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC190, Court of Appeals Case No. 20CA818

Petitioner:

Capital One, N.A.,

v.

Respondent:

Colorado Department of Revenue.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC194, Court of Appeals Case No. 20CA914

Petitioner:

Citigroup, Inc.,

v.

Respondent:

Colorado Department of Revenue.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC200, Court of Appeals Case No. 18CA2430

Petitioner:

Bobby Jermaine Porter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC201, Court of Appeals Case No. 20CA2079

Petitioner:

Mohammad Alatwa,

v.

Respondents:

Katherine Joan Burnett-Dotson, USAA Insurance Company, and Richards and Simpson.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC203, Court of Appeals Case No. 19CA2231

Petitioner:

Man Hao Luong, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC207, Court of Appeals Case No. 20CA1534

Petitioner:

Mario Benjamin Nunez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC208, Court of Appeals Case No. 19CA490

Petitioner:

Florencio Vargas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC218, Court of Appeals Case no. 19CA2069

Petitioner:

Leroy Garcia-Cerda, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC243, Court of Appeals Case No. 20CA128

Petitioner:

Gabriel George Gutierrez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC245, Court of Appeals Case No. 19CA1786

Petitioner:

Marie Ann Daniels,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC246, Court of Appeals Case No. 18CA1254

Petitioner:

Lorenzo Oscar Gonzalez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC247, Court of Appeals Case No. 21CA1346

Petitioner:

Tao Zhang,

v.

Respondents:

University of Colorado and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC249, Court of Appeals Case No. 20CA1600

Petitioner:

Darrick Damon Alexander,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC478, Court of Appeals Case No. 18CA860

Petitioner:

Trevor Everett Izzard,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
