

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MAY 16, 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.

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**OPINIONS**

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**[2022 CO 20](#)**

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**Supreme Court Case No. 20SC565**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 19CA23

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**Petitioner:**

Lisa Melody French,

v.

**Respondents:**

Centura Health Corporation and Catholic Health Initiatives Colorado, d/b/a  
St. Anthony North Health Campus.

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**Judgment Reversed**

*en banc*

**JUSTICE GABRIEL** delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

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**[2022 CO 21](#)**

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**Supreme Court Case No. 20SC950**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 17CA2384

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**Petitioners:**

Leonel Gomez, Francisco Gonzalez, Ebarardo Sanchez, and Nathan Abbott,

v.

**Respondent:**

JP Trucking, Inc.

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**Judgment Reversed**  
*en banc*

**JUSTICE SAMOUR** delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART,** and **JUSTICE BERKENKOTTER** joined.

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**Supreme Court Case No. 21SA122**  
*Appeal from the District Court*  
Water Division 1, Case No. 16CW3052  
Honorable James F. Hartmann, Water Judge

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Concerning the Application for Water Rights of The Farmers Reservoir and Irrigation Company  
in Adams and Weld Counties.

**Applicant-Appellant/Cross-Appellee:**

The Farmers Reservoir and Irrigation Company,

v.

**Opposer-Appellees:**

Public Service Company of Colorado; Irrigationists Association; Central Colorado Water  
Conservancy District; Fort Morgan Reservoir and Irrigation Company; City of Brighton; City of  
Commerce City; Henrylyn Irrigation District; South Adams County Water and Sanitation  
District; Town of Lochbuie; Platte Valley Irrigation Company; City of Englewood; City of  
Aurora; Lower Latham Reservoir Company; Dream Weaver Holdings LLC; City of Thornton;  
Centennial Water and Sanitation District; Kevin Rein, State Engineer; and Corey DeAngelis,  
Division Engineer for Water Division 1;

and

**Opposer-Appellees/Cross-Appellants:**

Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and  
Sanitation District, and United Water and Sanitation District.

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**Judgment Affirmed**  
*en banc*

**JUSTICE BERKENKOTTER** delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART,** and **JUSTICE SAMOUR** joined.

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**ORIGINAL PROCEEDINGS**

- [22SA108](#) In Re State of Colorado v. Juul Labs, Inc.  
Rule to Show Cause issued May 3, 2022
- [22SA111](#) In Re State of Colorado v. Juul Labs, Inc.  
Rule to Show Cause issued May 3, 2022
- [22SA122](#) In Re DIA Brewing v. MCE-DIA  
Rule to Show Cause issued May 6, 2022

**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 20SC17, Court of Appeals Case No. 17CA29**

**Petitioner:**

Joshua W. Moore,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *Tibbels v. People*, 20SC22, 2022 CO 1. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 19SC915, Court of Appeals Case No. 18CA526**

**Petitioner:**

Edgar Antonio Reyes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC603, Court of Appeals Case No. 17CA2353**

**Petitioner:**

Russell Irvin Jent,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC229, Court of Appeals Case No. 18CA871**

**Petitioner:**

Ricardo Corral-Venegas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC689, Court of Appeals Case No. 18CA1408**

**Petitioner:**

Michael Thomas Jean Wright,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC692, Court of Appeals Case No. 21CA282**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Chad W. Brothers.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC734, Court of Appeals Case No. 20CA721**

In Re the Estate of Joseph Celestino Gallegos, deceased.

**Petitioners:**

Shennae Finan, f/k/a Shennae Jaramillo and Corpus A. Gallegos Ranches LLP, a Colorado limited liability limited partnership,

v.

**Respondent:**

Patricia Vialpando.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL does not participate.

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**No. 21SC758, Court of Appeals Case No. 20CA765**

**In Re the Marriage of**

**Petitioner:**

Angele Luedtke,

and

**Respondent:**

Richard Luedtke.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC822, Court of Appeals Case No. 19CA633**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Amber Christine Russell.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC834, Court of Appeals Case No. 18CA2011**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Kirk Samuel Wertz.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 21SC954, Court of Appeals Case No. 20CA224**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Anthony Phillip Restrepo.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD and JUSTICE SAMOUR would grant as to the following issues:

Whether, in order to apply the good faith exception to the exclusionary rule of *Davis v. United States*, 564 U.S. 229 (2011) and section 16-3-308(1) and (2)(b), C.R.S. (2021), that applies when court precedents have been overruled, the precedent must be “binding” or incapable of being distinguished.

Whether the court of appeals erred by not applying the statutory and caselaw good faith exceptions to the exclusionary rule where law enforcement officers did not foresee that, two years after the search at issue, the passage of Amendment 64 would change this court’s caselaw concerning the use of drug-detection dogs.

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**No. 22SC8, Court of Appeals Case No. 20CA923**

**Petitioner:**

Pacific Express Stables, LLC, a Colorado limited liability company,  
v.

**Respondents:**

Ryan Anderson and CF LoDo, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC49, Court of Appeals Case No. 18CA597**

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Matt William Snodgrass.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD and JUSTICE SAMOUR would grant as to the following issues:

Whether, in order to apply the good faith exception to the exclusionary rule of *Davis v. United States*, 564 U.S. 229 (2011) and section 16-3-308(1) and (2)(b), C.R.S. (2021), that applies when court precedents have been overruled, the precedent must be “binding” or incapable of being distinguished.

Whether the court of appeals erred by not applying the statutory and caselaw good faith exceptions to the exclusionary rule where law enforcement officers did not foresee that, two years after the search at issue, the passage of Amendment 64 would change this court’s caselaw concerning the use of drug-detection dogs.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
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**No. 22SC56, Boulder County District Court Case No. 21CV30559**

**Petitioner:**

Paul Dinkel,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC113, Court of Appeals Case No. 18CA1359**

**Petitioner:**

Shawn Michael Peacock,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC120, Court of Appeals Case No. 18CA1238**

**Petitioner:**

Edward Lee Hicks,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC122, Court of Appeals Case No. 19CA1654**

**Petitioner:**

Bernd Hoefel,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

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**No. 22SC123, Logan County District Court, 16CV30101**

**Petitioner:**

Luis Beltran,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC133, Court of Appeals Case No. 19CA442**

**Petitioner:**

Elias Trevino Hernandez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC134, Court of Appeals Case No. 22CA469**

**Petitioner:**

Jerome Greene,

v.

**Respondent:**

Colorado Public Employee Retirement Association.

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

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**No. 22SC186, Court of Appeals Case No. 21CA674**

**Petitioner:**

Bud Forbes,

v.

**Respondents:**

Barbee's Freeway Ford, Mid-Century Insurance Company, and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC187, Court of Appeals Case No. 20CA2154**

**Petitioner:**

Joseph Scott Carter,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC188, Court of Appeals Case No. 18CA1739**

**Petitioner:**

Charles Anthony Gross,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC191, Court of Appeals Case No. 19CA1448**

**Petitioner:**

Alberto Morales-Ramirez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC192, Court of Appeals Case No. 19CA1038**

**Petitioner:**

Fernando Mendoza,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC196, Arapahoe County District Court Case No. 21CV30984**

**Petitioner:**

Norman Campbell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC197, Court of Appeals Case No. 22CA137**

**In re the Marriage of**

**Petitioner:**

Patricia Tran,

and

**Respondent:**

Hieu Tran.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC198, Court of Appeal Case No. 21CA1874**

**Petitioner:**

Omar A. Duwaik,

v.

**Respondent:**

HLTN Loans, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC199, Court of Appeals Case No. 21CA266**

**Petitioner:**

David Craine,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC202, Court of Appeals Case No. 18CA2278**

**Petitioner:**

Alexis Rose Clayton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC205, Court of Appeals Case No. 21CA811**

**Petitioner:**

A. F.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

C. L. F.,

**and Concerning**

T. L.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC206, Court of Appeals Case No. 19CA2316**

**Petitioner:**

Sean Nicholas Stouffis,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC209, Court of Appeals Case No. 19CA10**

**Petitioner:**

Brian C. Beecher,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC235, Court of Appeals Case No. 21CA1008**

**Petitioners:**

P. R. and K. A.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K. R.

Petitions for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC241, Court of Appeals Case No. 21CA1045**

**Petitioner:**

L. P.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

L. P. and D. P.,

**and Concerning**

T. P.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC256, Court of Appeals Case No. 21CA765**

**Petitioner:**

J. R.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

D. A.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC260, Court of Appeals Case No. 21CA1023**

**Petitioner:**

A. C.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

M. J.,

**and Concerning**

C. J.

Petition for Writ of Certiorari DENIED. EN BANC.

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