

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JULY 17, 2023**

"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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**PETITIONS FOR REHEARING**

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**2023 CO 26**

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**Supreme Court Case No. 22SC798**

*C.A.R. 50 Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 21CA1731  
Jefferson County District Court Case No. 20CV31506  
Honorable Lindsay L. VanGilder, Judge

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**Petitioners:**

MJB Motels LLC; Samarah Investments LLC; Meek Enterprises LLC; Tosh Amir; MW Real Estate LLC; Palmetto Club Associates LLP; Winddrift Associates LLC; Sheridan LLC; Pickerings LLC; 2220 Rand, LLC; FGS Retail & Commercial Operations LLC; Firestone Real Estate Leasing Company; Kong Real Estate Holdings LLC; SFCA LLC; Rocky Mountain School of Art Inc; Schreivogel Investments LLC; Baron Ventures LLC; 875 Tabor Street LLC; Garney Holding Co; Dean Carson Grape St LLC; Golden Automotive Group Holdings LLC; Public Service Employees Credit Union; MPSC Limited Liability; Marketplace at Ken Caryl LTD Liability Co; GEP Investments Inc; Sooper Credit Union; Sartorius Corporation; Texas Roadhouse Holdings LLC; TR Alkire LLC; DLDL LLC; Deep Sky Holdings LLC; Software Bisque Inc; Alma D Gianolini Grandchildrens Trust; BTP 10445 Town Center LLC; New World Ventures LLC; Lee Doud Inc; Fawcett Enterprises LLC; B C S Community Credit Union; 9797 West Colfax LLC; Lifeloc Technologies Inc; Robb Street LLC; Brettler Real Estate Inc; Mauldin 50 LLP; The Mountainview Group LLC; Kastin Company, LLC; Keystone Group LLC; Suman Properties LLC; Hill Industries LLC; Hill Real Estate Rental LLC; Buffalo Partners LP; Raeouf Mohammad; Tehrani Simin; Sautter Arvada School Property LLC;

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Vivian Fortress LLC; Carol Pack Living Trust; Simms LLC; Norton Frickey Family Partnership; Kim R Haarberg; North Bear Meadows LLC; 1600 Garrison Street LLC; 9201 West Colfax Avenue LLC; Braman Colorado European Imports Inc.; 6833 Joyce Street LLC; Maxson Holdings LLC; Denver Area Council Boy Scouts of America; Southwestern Investments LLC; MNR LLC; J&S Holdings LLC; Showme Mountain Investors LLC; DDK Properties LLC; Janey Blehm; Terry Blehm; Surkalo Harry Mtarri; Paul B Trost; Bear Land Holdings LLC; Ivarsson LLC; Stern Lawrence Holdings LLC; Parkview Place LLC; United Land Investments LLC; Partners Credit Union; Solera National Bank; 6350 AEF LLC; Semcken Commercial LLC; Garlock Pipeline Technologies Inc; 10639 Bradford LLC; Castle Court LLC; 430 Indiana LLC; Going Green LLC; Signature Assisted Living LP; FFT Holdings LLC; SCFT Holdings LLC; Westland LLC; Ralston Development Corporation; Premium Panels Inc; Associated Bodywork & Massage Professionals; Yukon Court Apartments Holding Company LLC; Terra Village Apartments Holding Company LLC; Wellington Resources LLC; 1150 Catamount LLC; 4240 Kipling LLC; Summit Commercial Properties I LLC; 150 Capital Drive LLC; Domenico Real Estate Partnership III LLP; Maxim United LLC; PWN 1 LLC; Tebo Superstore LLC; 15000 W Kendrick St LLC; Morton Properties LLC; Hennessey; CFC Investments LLC; 4301 Wadsworth LLC; Doris N Guernsey; Paul L Guernsey; Enger Enterprises LLC; Warren Family Funeral Homes Inc; LHI Group LLC; 55 West LLC; TF Holdings LLC; UGWUD Properties LLC; Clay & Imes Inc; Creekside West Partnership LLP; Cheryl Rogers; Aleksander Staninovski & Ivka Staninovski Trust; Bridgestone Company LLC; Vlade Sekulovski; Tome Nechovski Living Trust; LFP&JP JJC; El Rancho Colorado Restaurant LLC,

v.

**Respondents:**

County of Jefferson Board of Equalization and Scott Kersgaard, Jefferson County Assessor.

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Petition for Rehearing DENIED. EN BANC.

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**Supreme Court Case No. 22SC797**  
*C.A.R. 50 Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 22CA695  
Broomfield County District Court Case No. 20CV30366  
Honorable Sean Finn, Judge

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**Petitioners:**

Hunter Douglas Inc.; Hunter Douglas Window Fashions Inc.; Auto Owners Insurance Company; Cutler Properties LLP; Rathlin Island Investment LLC; Auyeung Shun Yau; Rangeview Tech Center LLC; Patrick Tash Edu. Group Inc.; Wonderland Brewing CO LLC; AEW LT Broomfield Town Centre LLC; Dobico LLC; AWE Property Management LLC; JNT LLC; and BN Investments LLC,

v.

**Respondents:**

City and County of Broomfield Board of Equalization (BOE); and Jay Yamashita (replacing former Assessor Sandy Herbison), City and County of Broomfield Assessor.

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Petition for Rehearing DENIED. EN BANC.

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**Supreme Court Case No. 22SC800**  
*C.A.R. 50 Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 21CA1191  
Larimer County District Court Case No. 20CV30613  
Honorable Daniel McDonald, Judge

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**Petitioners:**

Larimer County Board of Equalization (BOE) and Larimer County Assessor, Bob Overbeck,

v.

**Respondents:**

1303 Frontage Holdings LLC; 1411 East Magnolia Street LLC; 1497 E Eisenhower LLC; 3470 Holdings LLC; 3760 E 15th LLC; 3985 Lincoln LLC; 3BM LLC; 4103 S Mason Street LLC; 4211 S Mason Street LLC; 790 Eisenhower LLC; Adams Bank and Trust; Advance Tank and Construction Co; Allen Marion T Jr Revocable Trust; Alteo Ltd; Apropro Inc; Associates Investments LLC; Associates South; Baretta Investments LLC; Boeing Drive Investments LLC; Bohlender Funeral Chapel Inc; BS Holdings Inc; Byrd Drive LLC; Canvas Credit Union; Caribou Chalet Inc; Cascade Falls Property Group LLC; CF Hospitality Inc; Citizen Printing Co; Cortina Real Estate LLC; Crashway Limited Liability Co; D and N Houska Family LLC; Early Education Enterprises LLC; Edge Air Inc; Ensign Properties LLC; First Interstate Bank of Ft Collins C/O; First National Bank of Omaha; First National Bank C/O First National Bank of Omaha; First Natl Bank In Ft Collins C/O First National Bank of Omaha; Flatirons Hospitality LLC; Fraley Holding Company LLC; Gateway Medical Services LLC; GEA LLC; Glacier Lodge L P; Granite Trust and Faith LLC; Graves Avenue Plaza LLC; Greenlee Investments LLLP; Hana Dul Inc; Harmony Suites LLC; Hogan Family Partnership LLLP C/O First National Bank of Omaha; Horsetooth Associates LLP (.50); Horsetooth Investors LLLP; K and H Family Properties LLC; Kauffman Investments LLC; Kauffman Rentals Inc; Kira Enterprises LLC; Kropp Frederick L/Pamela J; Lasar Properties LLC; Mackenzie Properties LLC; MBR Investments LLC; Next Generation Properties of Nebraska LLC; Nordhagen Land Company LLC; Pizza Ranch RE1 LLC; Poche Linda/Richard M; Poudre Valley Cooperative Assn Inc; Precision Technology LLC; Quickert Properties LLC; Racquette Hanger LLC; Raise the Roof LLC; RMVFNBB LLC; Sachanandani Hari and 6701 Marketplace Drive LLC; Saddlenotch LLC (.50) Mesa Partners LLC (.50); Shelhill Investments LLC; Silvertip Realty LLC; Springer Investment Group LLC; SRP Enterprises LLC; Stockton LLC; SUH Property Inc; Texas Roadhouse Holdings LLC; Timberline Associates; United Land Investments LLC; V and S Partnership; Wagner Equipment Co; Walker

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Manufacturing Co; Weisser R James, Robert W and Poudre Valley Air Inc; Wellington Resources LLC; Wiege Michael W Terri G; Willco V Development LLLP; Willco VI Development LLLP; Willco VII Development LLLP; Willco XII Development LLLP; and Zephyr Graftix Inc.

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Petition for Rehearing DENIED. EN BANC.

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**Supreme Court Case No. 22SC799**  
*C.A.R. 50 Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 21CA1253  
Douglas County District Court Case No. 20CV30909  
Honorable Jeffrey K. Holmes, Judge

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**Petitioners:**

Educhildren LLC; HW Lee Group LLC; Pembrookshire Investment LLC; Brett A Norden Irrevocable Trust; Bradley S. Norden Irrevocable Trust; Meridian Kings LLC; James S Thomas Separate Property Revocable Trust; Bridgestone Retail Operations LLC; Ready Mixed Concrete Company; Canvas Credit Union; Sierra Holdings LLC; Marolt Investment Group LLC; Texas Roadhouse of Parker LLC; Lawrence Construction Company; Main Street Professional Plaza LLC; Fawcett Group LLC; Clam Holdings LLC; Peerless Tyre Co; Tallio Investments Co 1 LLC; Wyltsky LLC; Loudeco LLC; 8381 SPL LLC; Park Meadows Mall LLC; AKM Family LLLP; 9910MTLLC; Mie Ward Infiniti; The Chateau in Castle Rock LLC; Roper LLC; Strawberry Hill Inc; Rocky Mountain Law Enforcement Credit Union; KBK Properties LLC; Eden Innovations LLC; Thomas J Rossiter; Virginia B Rossiter; ORS Park Inc; Fairs Properties LLC; Car Bis Co Park LLC; Shade Tree LLC; Shade Tree North LLC; 5555 Boatworks Drive LLC; 8808 South Colorado LLC; Titan Center LLC; Leuvano Investments LLC; North Dakota Holdings LLC; B Greenley Investments LLC; Harcus Holdings LLC; H&A Educational Enterprises LLC; E and T LI LLC; Caro Land Co II LLC; Caro Land Co LLC; SS Country Meadows LLC; Park Meadow Mall LLC; Herzman Niece's Exempt Trust; Wellington Resources LLC; Denver Aquatic Ventures LLC; Bernhard Baron; J&L Holdings LLC; and Finline Investments,

v.

**Respondents:**

Douglas Board of Equalization (BOE) and Lisa Frizell, County of Douglas Assessor.

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Petition for Rehearing. DENIED. EN BANC.

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**Supreme Court Case No. 21SC564**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 17CA1910

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**Petitioner:**

Cristobal Fernando Garcia,

v.

**Respondent:**

The People of the State of Colorado.

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Petition for Rehearing DENIED. EN BANC.

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**ORIGINAL PROCEEDINGS**

- [23SA102](#) In Re People v. Qu, Richard  
Order issued on June 30, 2023
- [23SA105](#) In Re People v. Burkhalter, Bryan  
Order issued on July 14, 2023
- [23SA148](#) In Re People v. Hollaway, Brian  
Show Cause order issued on June 23, 2023  
Order issued July 10, 2023
- [23SA149](#) In Re People v. Hollaway, Brian  
Show Cause order issued on June 23, 2023  
Order issued July 10, 2023
- [23SA167](#) In Re Marriage of Green, Barbara and Green, Jeffrey  
Show Cause order issued on July 6, 2023

**ACCEPTED C.A.R. 50 TRANSFER OF JURISDICTION**

23SC474, Martin v. Travelers

**HELD PETITION FOR WRIT OF CERTIORARI**

23SC474, Martin v. Travelers

**Held pending 23SA142, *Klabon Kevin v. Travelers Property Casualty Company***



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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 22SC816, Court of Appeals Case No. 20CA1785**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Francine Erica Segura.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a postconviction court violates Crim. P. 35(c)(3)(IV) and (V) by summarily denying some of the claims raised in a pro se motion and limiting the scope of appointed counsel's representation to claims that survive summary denial.

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**No. 22SC835, Court of Appeals Case No. 19CA1481**

**Petitioner:**

Justin Brendan Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the prosecution is required to disprove a make-my-day defense beyond a reasonable doubt as to reckless conduct.

DENIED AS TO ALL OTHER ISSUES.

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**No. 22SC845, Court of Appeals Case No. 20CA143**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Phillip Romero.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erroneously heightened the clear error standard of review in violation of this court's precedent, which mandates reversal of a trial court's factual finding only when they are so clearly erroneous as to find no support in the record.

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**No. 23SC4, Court of Appeals Case No. 19CA180**

**Petitioner:**

Abdullahi Salah,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the district court violated petitioner's constitutional right to familial association when it revoked his probation because he lived with his sister and her infant son.

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 22SC815, Court of Appeals Case No. 20CA1742**

**Petitioner:**

MarkWest Liberty Midstream & Resources, L.L.C., a Delaware limited liability corporation,

v.

**Respondent:**

M.G. Dyess Inc., a Mississippi corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC880, Court of Appeals Case No. 21CA853**

**Petitioner/Cross-Respondent:**

S.A.P.,

v.

**Respondent/Cross-Petitioner:**

L.S.S.

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

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**No. 22SC920, Court of Appeals Case No. 22CA291**

**In the Interest of**

**Petitioner:**

Jesper Joergensen,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER would grant as to the following issue:

Whether the court of appeals misconstrued section 16-8.5-112(4), stating “the county jail may require the defendant to continue to receive the same court-ordered treatment,” to mean the county jail is required to forcibly medicate the defendant and lacks discretion to refuse based on resource constraints.

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**No. 22SC947, Court of Appeals Case No. 21CA2032**

**Petitioners:**

Environmental Defense Fund and WildEarth Guardians,  
v.

**Respondents:**

Colorado Department of Public Health and Environment, Colorado Air Quality Control Commission, Colorado Air Pollution Control Division, and Public Service Company of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC948, Court of Appeals Case No. 20CA399**

**Respondent:**

The People of the State of Colorado.

**In the Interest of**

**Petitioner:**

Q.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC979, Court of Appeals Case No. 21CA559**

**Petitioners:**

Public Partnerships of Colorado, LLC, and Granite State Insurance Company,  
v.

**Respondents:**

Industrial Claim Appeals Office and Abigail Ibarra.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL does not participate.

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**No. 23SC8, Court of Appeals Case No. 19CA1493**

**Petitioner:**

Timothy Wakefield,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC41, Court of Appeals Case No. 19CA2071**

**Petitioner:**

Leilani Mae Bouchard,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC55, Court of Appeals Case No. 19CA2044**

**Petitioner:**

David Torres-Vazquez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC91, Jefferson County District Court 22CV219**

**Petitioner:**

Kirk McDonald,

v.

**Respondent:**

Board of County Commissioners of the County of Jefferson, State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC93, Court of Appeals Case No. 18CA2151**

**Petitioner:**

James Earl Hodge,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC95, Court of Appeals Case No. 21CA884**

**Petitioner:**

Joshua Nicomedes Ramon Vigil,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC103, Court of Appeals Case No. 21CA1187**

**Petitioner:**

Michael Farrow,

v.

**Respondents:**

Executive Director of the Colorado Department of Corrections and Warden of Buena Vista Correctional Complex.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC104, Court of Appeals Case No. 20CA1913**

**Petitioner:**

Timothy John Limpy,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC109, District Court, City and County of Denver, 21CV33589**

**Petitioner:**

Daniel James Dawson,

v.

**Respondent:**

City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC111, Court of Appeals Case No. 21CA1219**

**Petitioner:**

Chappell R. Al-Siddiq,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC113, Court of Appeals Case No. 21CA1321**

**Petitioner:**

Dustin Giovanni Vigil,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC121, Court of Appeals Case No. 20CA1552**

**Petitioner:**

Jomar Falu-Vives,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC125, Court of Appeals Case No. 19CA1630**

**Petitioner:**

Christopher Paul Peters,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC126, Court of Appeals Case No. 21CA37**

**Petitioner:**

Timothy Lesiczka,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC128, Douglas County District Court Case No. 21CV30837**

**Petitioner:**

Bonnie Dews,

v.

**Respondent:**

Town of Castle Rock.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC129, Court of Appeals Case No. 20CA277**

**Petitioner:**

Andrew Michael Galek,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC130, Court of Appeals Case No. 20CA1527**

**Petitioner:**

Hazhar A. Sayed,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC132, Court of Appeals Case Nos. 21CA1908 & 22CA289**

**Petitioner:**

F. Guthrie Castle, Jr.,

v.

**Respondent:**

Shari R. Braund.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC135, Court of Appeals Case No. 20CA1260**

**Petitioner:**

Christerpher Watts,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC136, Court of Appeals Case No. 21CA680**

**Petitioner:**

Bernard Jones,

v.

**Respondents:**

Executive Director of Colorado Department of Corrections and Manager of Time Computation of Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC137, Court of Appeals Case No. 22CA1309**

**Petitioner:**

Mark Halper,

v.

**Respondent:**

Sunshinemesa, LLC, a Colorado Limited Liability Company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC138, Court of Appeals Case No. 19CA169**

**Petitioner:**

Audra Jean Krug,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC140, Court of Appeals Case No. 20CA1286**

**Petitioner:**

Juan B. Figueroa-Lopez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC426, Court of Appeals Case No. 22CA1712**

**Petitioner:**

R.W.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.W.

Petition for Writ of Certiorari DENIED. EN BANC.

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