

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 7, 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.

OPINION

[2023 CO 44](#)

Supreme Court Case No. 23SA114
Original Proceeding in Discipline
Colorado Commission on Judicial Discipline Case No. 21-118

In the Matter of Complainant:

The People of the State of Colorado,

and

Respondent:

Nathan B. Coats, a Former Chief Justice of the Colorado Supreme Court.

**Order re: Recommendation of the Colorado Commission on Judicial
Discipline and Public Censure**
en banc

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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PETITIONS FOR REHEARING

2023 CO 33

Supreme Court Case No. 21SC325
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA1132

Petitioner/Cross-Respondent:

Dennis Chirinos-Raudales,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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2023 CO 35

Supreme Court Case No. 21SC458
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA1848

Petitioner:

Nora Hilda Rios-Vargas,

v.

Respondent:

The People of the State of Colorado.

Petition for Rehearing DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT, JUSTICE HOOD, and JUSTICE BERKENKOTTER
would grant the petition.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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2023 CO 37

Supreme Court Case No. 21SC796
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA1487

Petitioner:

Trevor A. Pellegrin,

v.

Respondent:

The People of the State of Colorado.

Petition for Rehearing DENIED. EN BANC.
JUSTICE MÁRQUEZ would grant the petition.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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RULE CHANGE

[RULE CHANGE 2023\(13\)](#)

THE COLORADO APPELLATE RULES

Rules 21 and 32

Amended and Adopted by the Court, En Banc, July 20, 2023, effective immediately.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC869, Court of Appeals Case No. 20CA1565

Petitioner:

Kevin Matthew Dhyne,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred, and the petitioner's constitutional rights under the U.S. Constitution Fourth Amendment and the Colorado Constitution, article II, section 7 were violated, when the lower appellate court found that a search of his private residence was proper because an internet protocol (IP) address, located at a separate private residence specified in the search warrant, was accessible by the petitioner.

Whether the district court erred, and the petitioner's constitutional rights under the U.S. Constitution Fourth Amendment and the Colorado Constitution, article II, section 7 were violated, when the lower court found that the inevitable discovery exception applied to the search of the petitioner's residence.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC940, Court of Appeals Case No. 21CA708

Petitioners:

Education ReEnvisioned BOCES and Colorado Literacy and Learning Center,
v.

Respondent:

Colorado Springs School District 11.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in holding that the plain language of C.R.S. § 22-5-111(2) prohibits a Board of Cooperative Services (“BOCES”) from locating a school within the geographic boundaries of a nonmember school district without its consent.

[REFRAMED] Whether article IX, section 15 of the Colorado Constitution prohibits a board of cooperative services from locating a school within the geographic boundaries of a nonmember school district without its consent.

DENIED AS TO ALL OTHER ISSUES.

No. 23SC117, Court of Appeals Case No. 18CA1877

Petitioner:

Rachel Ann Niemeyer,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether an accused is in custody where she is intoxicated, without transportation, required to undergo testing, and under the supervision and direction of police who refuse to consider her requests to leave until she submits to testing and interrogation.

DENIED AS TO ALL OTHER ISSUES.

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

No. 22SC793, Court of Appeals Case No. 18CA1486

Petitioner:

John Anthony Vasquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC926, Court of Appeals Case No. 19CA395

Petitioner:

Terance Jamal Black,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC935, Court of Appeals Case No. 19CA676

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Elizario Manuel Herrera.

Petition for Writ of Certiorari Denied. EN BANC.

No. 22SC941, Court of Appeals Case No. 21CA1528

Petitioner:

Virginia Williams,

v.

Respondents:

Robert Vigil and Jamie Vigil.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC962, Court of Appeals Case No. 21CA1052

Petitioners:

Above the Clouds Enterprises, Inc. d/b/a Historic Triple B Ranch, a Colorado corporation; Stand Firm, LLP, a Colorado limited liability partnership; Aspen Ridge View, LLLP, a Colorado limited liability limited partnership; Bluebonnet Bell, LLLP, a Colorado limited liability limited partnership; Casa Del Alamo, LLLP, a Colorado limited liability limited partnership; Drinkwater Ridge, LLLP, a Colorado limited liability limited partnership; Eagles Nest, LLLP, a Colorado limited liability limited partnership; Elk Ridge View, LLLP, a Colorado limited liability limited partnership; TD & B Corner, LLLP, a Colorado limited liability limited partnership; and Wrangler's Ridge, LLLP, a Colorado limited liability limited partnership,

v.

Respondent:

Jay A. Baker.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC984, Douglas County District Court Case No. 22CV30541

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jerry Richmond.

Petition for Writ of Certiorari Denied. EN BANC.

No. 23SC21, El Paso County District Court Case No. 22CV30629

Petitioner:

Jennifer Light,

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. 23SC26, Court of Appeals Case No. 19CA1994

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Joseph Goudy Lugo.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC27, Court of Appeals Case No. 21CA1454

Petitioners:

Michael B. McEwan, D.D.S.; Embraceable, PLLC, a Colorado professional limited liability company d/b/a Comfort Dental Braces, a/k/a Comfort Dental Glenwood Springs Braces; and Ryan M. Klumb, D.D.S.,
v.

Respondent:

Adeline Zellar, f/k/a Adeline Hyatt.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC49, Court of Appeals Case No. 20CA2096

Petitioner:

Sean Daniel Di Asio,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC53, Court of Appeals Case No. 21CA1335

Petitioners:

Garry L. Forney; Susan A. Forney; and Bull Enterprises Inc., d/b/a Bull Enterprises of Colorado, Inc.,
v.

Respondent:

Santa Rosa Developers, Ltd., a California limited partnership.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC69, Weld County District Court Case No. 22CV30185

Petitioner:

Portfolio Recovery Associates, LLC,

v.

Respondent:

Pamela Kersten.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC86, Court of Appeals Case No. 21CA576

Petitioner:

Zacharia Childers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC106, Court of Appeals Case No. 22CA218

Petitioner:

Nina H. Kazazian,

v.

Respondent:

GHP Horwath P.C., dissolved April 25, 2018, a dissolved Colorado professional corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether the court of appeals erred in dismissing the underlying appeal with prejudice and denying a request for extension of time to file the Amended Opening brief to allow the petitioner the same amount of time to respond as contemplated by the Court's Order, where the Order was not received in a timely fashion because it was mailed to the petitioner.

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(23SC106 - Continued from Page 10)

Whether the prohibition on use of the e-filing system by unrepresented parties is an unconstitutional violation of due process and equal protection, because the Rules of Procedure do not allow additional time for mailing, and unrepresented parties to an action cannot view protected or suppressed filings through the public access terminal and therefore do not have equal access to the state judiciary in Colorado as represented parties.

No. 23SC139, Court of Appeals Case No. 19CA1408

Petitioner:

Jerenzo Clarence Kyles,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC141, Larimer County District Court Case No. 22CV163

Petitioner:

Mark Lueker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC142, Douglas County District Court Case No. 22CV6

Petitioner:

Jason Short,

v.

Respondent:

Byron Clayton.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC143, Court of Appeals Case No. 22CA2188

Petitioner:

Lupita Angela Salina Giron,

v.

Respondent:

Medtronic Surgical Solutions.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC144, Court of Appeals Case No. 22CA1469

Petitioner:

Zachariah Dobler,

v.

Respondents:

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

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC146, Court of Appeals Case No. 20CA1569

Petitioner:

Dominique Issac Rivera,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC147, Court of Appeals Case No. 19CA493

Petitioner:

Javier Hernandez-Martinez,

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. 23SC149, Court of Appeals Case No. 20CA1148

Petitioner:

Michael Eugene Crowe,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC152, Court of Appeals Case No. 20CA177

Petitioner:

Alvaro Rios,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC154, Court of Appeals Case No. 22CA212

Petitioner:

Norman Williams,

v.

Respondents:

Colorado Department of Corrections Time Computation Department and Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC156, Court of Appeals Case No. 22CA863

In re the Marriage of

Petitioner:

Beulah Esinu Nuworbor,

and

Respondent:

Franklin Agbanyo.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC159, Court of Appeals Case No. 21CA863

Petitioner:

Edward Josef Platzer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC162, Court of Appeals Case No. 20CA675

Petitioner/Cross-Respondent:

Sean Michael Pennefather,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 23SC163, Adams County District Court Case No. 22CV31433

Petitioner:

Estevan Valverde,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC169, Court of Appeals Case No. 21CA1128

In re the Marriage of

Petitioner:

Jamus Oran Bryant,

and

Respondent:

Stacy Michelle Angel.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC170, Court of Appeals Case No. 20CA508

Petitioner:

Edward Pierre Cavazos-Navarro,

v.

Respondent:

The People of the State of Colorado.

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

No. 23SC172, Court of Appeals Case No. 19CA718

Petitioner:

Juan Antonio Sarmiento,

v.

Respondent:

The People of the State of Colorado.

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

No. 23SC174, Court of Appeals Case No. 20CA1290

Petitioner:

Rodrigo Ignacio Albarran-Estrada,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC176, El Paso County District Court, 22CV390

Petitioner:

Dennis Sladek,

v.

Respondent:

Dennis Buschman.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC177, El Paso County District Court, 22CV205

Petitioner:

April D. Plunk,

v.

Respondent:

Carey Goldberg.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC179, Court of Appeals Case No. 22CA275

Petitioner:

Scott Whitefield,

v.

Respondent:

Executive Director of the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC181, Court of Appeals Case No. 20CA1041

Petitioner:

Cristina Wanda Sears,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC182, Court of Appeals Case No. 20CA357

Petitioner:

Kathryn Therese Oakes,

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. 23SC183, Court of Appeals Case No. 19CA1551

Petitioner:

Jonathan Michael Wright,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC187, Court of Appeals Case No. 20CA656

Petitioner:

Francisco Javier Navarro-Vargas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC188, Court of Appeals Case No. 20CA1954

Petitioner:

Timothy Allen Datillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC190, Court of Appeals Case No. 21CA1781

Petitioner:

Colorado Stormwater Council,

v.

Respondent:

Water Quality Control Division of the Colorado Department of Public Health and Environment.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC191, Court of Appeals Case No. 19CA1178

Petitioner:

Jesse Raul Frias,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC195, Court of Appeals Case No. 20CA696

Petitioner:

Roger L. Young,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC196, Court of Appeals Case No. 20CA1930

Petitioner:

Angel D. Victorino,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC198, Court of Appeals Case No. 20CA2020

Petitioner:

Mikhail Aaron Durall,

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. 23SC214, Court of Appeals Case No. 21CA885

Petitioner:

Justin Lynn Edwards,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC225, Court of Appeals Case No. 21CA1625

Petitioners:

David Daleiden and The Center for Medical Progress, Inc.,

v.

Respondent:

Dr. Savita Ginde.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC417, Court of Appeals Case No. 22CA152

Petitioner:

T.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

T.M. and A.C.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC427, Court of Appeals Case No. 23CA191

Petitioner:

Ivy Ngo,

v.

Respondents:

Franklin D. Azar and Franklin D. Azar and Associates, P.C.

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

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC448, Court of Appeals Case No. 22CA1500

Petitioner:

T.L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC452, Court of Appeals Case No. 22CA1365

Petitioner:

K.P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A.H. and I.H.,

and Concerning

C.H.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC465, Court of Appeals Case No. 22CA800

Petitioner:

A.L.R.H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

S.L.-J.,

and Concerning

A.T.K.J.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, AUGUST 7, 2023*

No. 23SC467, Court of Appeals Case No. 22CA2009

Petitioner:

S.E.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

X.D.W. and D.O.W.

Petition for Writ of Certiorari DENIED. EN BANC.
