

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 6, 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.

CERTIFICATION OF QUESTION OF LAW

23SA277 In Re Omar Godinez v. Dean Williams
U.S. Court of Appeals for the Tenth Circuit No. 22-1194
Question ACCEPTED on October 26, 2023:

Whether SOLSA requires, permits, or prohibits parole boards from considering maturity rehabilitation.

HELD PETITION FOR WRIT OF CERTIORARI

23SC57, Sisneros v. People
Held pending *People v. Smith*, No. 22SC562

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023*

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC242, Court of Appeals Case No. 20CA1607

Petitioner:

Yusuf Mawiye Omar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC260, Court of Appeals Case No. 22CA120

Petitioner:

Stafford Construction Services Corporation, d/b/a Stafford Development Corporation,
d/b/a Stafford Homes Corporation,

v.

Respondents:

Empire Petroleum Partners, LLC, a foreign limited liability company and EPP-Colorado
Acquisition, LLC, a foreign limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC303, Court of Appeals Case No. 21CA1596

Petitioner:

Wrangler Well Service Inc.,

v.

Respondents:

Northwoods Operating, LLC and Northwoods Energy, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT does not participate.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023*

No. 23SC314, Court of Appeals Case No. 20CA1330

Petitioner:

Matthew Patrick Shepherd,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC332, Court of Appeals Case No. 20CA1375

Petitioner/Cross-Respondent:

Joshua James Cuellar,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 23SC339, Court of Appeals Case No. 21CA1577

Petitioners:

Exactech U.S., Inc.; Giarratano Enterprise LLC; Chad Giarratano; and Flex Ortho LLC,

v.

Respondents:

Ortho Agency LLC and Michael Shatzer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC340, Court of Appeals Case No. 21CA235

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Constance M. Volz.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023*

No. 23SC341, Court of Appeals Case No. 22CA711

Petitioner:

A.O.,

v.

Respondent:

S.I.R.C.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC373, Court of Appeals Case No. 20CA175

Petitioner:

Onorio Virgen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC374, Court of Appeals Case No. 20CA1292

Petitioner:

Fidel Jaramillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

JUSTICE HOOD would grant as to the following issues:

Whether the trial court's failure to recognize that the affirmative defense of impaired mental condition no longer exists and that Mr. Jaramillo needed to plead NGRI to get the proper evidence and instructions before the jury was structural error requiring reversal.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 23SC376, Court of Appeals Case No. 22CA591

Petitioner:

Brett McManaman,

v.

Respondent:

Mindi Walker.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC377, Court of Appeals Case Nos. 20CA1752, 20CA1753 & 20CA1754

Petitioner:

Jason Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC382, Court of Appeals Case No. 20CA1201

Petitioner:

Brandon James Baty,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC384, Court of Appeals Case No. 20CA499

Petitioner:

Dorothea Michon DeZonia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023*

No. 23SC385, Court of Appeals Case No. 20CA481

Petitioner:

Rene Francisco Rosales,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC389, Court of Appeals Case No. 22CA18

Petitioner:

Ronnie Eugene Gill,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC408, Court of Appeals Case Nos. 20CA654 & 20CA655

Petitioner:

Michael Ray Adams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC409, Court of Appeals Case No. 19CA1703

Petitioner:

Shaun R. Davis,

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. 23SC410, Court of Appeals Case No. 21CA887

Petitioner:

Patrick L. Brenner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC411, Court of Appeals Case No. 22CA1061

Petitioner:

Antonio McCowan,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Customer Service Center.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC412, Court of Appeals Case No. 22CA468

Petitioner:

German Salas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023

No. 23SC413, Court of Appeals Case No. 20CA2052

Petitioner:

Oscar Rivera Andujo,

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 this Court should reexamine its decision in *In re People v. Kembel, et al.*, 2023 CO 5 that a trial court cannot bifurcate the prior-convictions element from remaining elements in jury trials for felony DUI charges.

No. 23SC415, Court of Appeals Case No. 21CA914

Petitioner:

Tammy Lyn Fritz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC416, Court of Appeals Case No. 20CA354

Petitioner:

Jabari Maurice Wilson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023*

No. 23SC418, District Court, City and County of Denver Case No. 22CV31548

Petitioner:

Christien Parra,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC419, Court of Appeals Case No. 21CA383

Petitioner:

Robin Lee Hoffschneider,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC599, Court of Appeals Case No. 23CA978

Petitioner:

Marcus Allen Murphy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC600, Court of Appeals Case No. 23CA979

Petitioner:

Marcus Allen Murphy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023

No. 23SC601, Court of Appeals Case No. 23CA977

Petitioner:

Marcus Allen Murphy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC732, Court of Appeals Case No. 23CA312

Petitioner:

C.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

G.M. and J.R.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC733, Court of Appeals Case No. 22CA1666

Petitioner:

T.W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

D.W., I.W., and G.W.,

and Concerning

A.W.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, NOVEMBER 6, 2023*

No. 23SC737, Court of Appeals Case No. 22CA2234

Petitioners:

A.P. and J.T.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

D. T.

Petitions for Writ of Certiorari DENIED. EN BANC.
