

2022SC824 (1 HOUR)

Petitioners:

Aurora Public Schools and David James O'Neill,

v.

Respondents:

A.S. and B.S.

For the Petitioner Aurora Public Schools:

M Gwyneth Whalen
William Stuart Stuller
Anne Lynette Stuller
CAPLAN AND EARNEST LLC

For the Petitioner David James O'Neill:

Leonard Ray Higdon
LAW OFFICE OF LEONARD R HIGDON

For the Respondents:

James W Avery
AVERY LAW FIRM
and
Jennifer Bennett
Robert Friedman
GUPTA WESSLER PLLC

**For Amici Curiae American Association for Justice,
Colorado Trial Lawyers Association**

Nelson Patrick Boyle
5280 APPELLATE GROUP
and
Alyssa C E Hill
Susan Paige Singleton
BURG SIMPSON ELDREDGE HERSH JARDIN

**For Amici Curiae American Property Casualty
Insurance Association, American Tort Reform
Association, Colorado Chamber of Commerce,
Colorado Civil Justice League, National
Association of Mutual Insurance Companies**

Daniel E Rohner
Cary Silverman
SHOOK, HARDY & BACON LLP

For Amicus Curiae Archdiocese of Denver

Scott Mark Browning
Michael Douglas Plachy
Caitlin C McHugh
LEWIS ROCA ROTHGERBER CHRISTIE LLP

For Amicus Curiae CHILD USA

Michael Lee Nimmo
WAHLBERG WOODRUFF NIMMO SLOANE LLP

For Amici Curiae Colorado Academy, Cornerstone Safety Group, Global Works, World Leadership School

Douglas Bowden Tumminello
Kendra Nychel Beckwith
LEWIS ROCA ROTHGERBER CHRISTIE LLP

For Amici Curiae Colorado Association of School Boards, Colorado Association of School Executives, Colorado Rural Schools Alliance, Colorado School Districts Self Insurance Pool, Special District Association of Colorado

Jonathan Patrick Fero
SEMPLE FARRINGTON EVERALL CASE P.C

For Amicus Curiae Members of the Colorado General Assembly

Vladimir Alexey Ryazanov
DIPAULO WALKER LLC
and
Benjamin Owen Gillig
Sommer D Luther
WAGSTAFF LAW FIRM

Certiorari to the Colorado Court of Appeals, 2022CA1583
Docketed: November 2, 2022
At Issue: February 6, 2023

ISSUE(S):

Whether applying a newly created cause of action to conduct that occurred prior to the creation of the cause of action violates the Colorado constitutional prohibition against laws that are retrospective in operation.

Whether applying a newly enacted waiver of immunity from suit to conduct that occurred prior to the enactment of the waiver, and at a time when the immunity was in effect, violates the Colorado constitutional prohibition against laws that are retrospective in operation.

2021SC564 (1 HOUR)

Petitioner:

Cristobal Fernando Garcia,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Joseph Paul Hough
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Erin Kelly Grundy
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2017CA1910
Docketed: July 26, 2021
At Issue: February 6, 2023

ISSUE(S):

Whether, as a matter of first impression, the jury must receive an instruction defining the 'universal malice' element of extreme indifference murder.

2021SC506 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Charles Joseph McLaughlin.

For the Petitioner:

John T Lee
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Casey Mark Klekas
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2019CA960

Docketed: July 6, 2021

At Issue: February 6, 2023

ISSUE(S):

Whether the court of appeals erred by splitting from *People v. Davis*, 218 P.3d 718 (Colo. App. 2008) and *People v. Zubiato*, 2013 COA 69 in holding that self-serving hearsay is admissible under the rule of completeness.

Whether the court of appeals erred by holding that the impeachment rule regarding the admission of hearsay, C.R.E. 806, does not apply to self-serving hearsay that is admitted under the rule of completeness.

2021SC771 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jacob Vanderpauye.

For the Petitioner:

John T Lee
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

River Brian Sedaka
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2018CA792
Docketed: October 21, 2021
At Issue: February 6, 2023

ISSUE(S):

Whether, or under what circumstances, a criminal defendant's self-serving hearsay is inadmissible.

Whether the court of appeals erred in holding the defendant's statement fit under the excited utterance exception to the hearsay rule and exclusion of that statement warranted reversal of his rape conviction.

2021SC473 (1 HOUR)

Petitioner:

Rafael Aguilar Garcia,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Joseph Paul Hough
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Brian M Lanni
OFFICE OF THE ATTORNEY GENERAL

For Amicus Curiae Advance Colorado

Daniel E Burrows
KANSAS ATTORNEY GENERALS OFFICE

Certiorari to the Colorado Court of Appeals, 2017CA1911
Docketed: June 24, 2021
At Issue: February 6, 2023

ISSUE(S):

[REFRAMED] Whether section 18-1-303, C.R.S. (2021), barred the defendant's prosecution for a Colorado offense after he was prosecuted in Mexico for his conduct in Colorado.

[REFRAMED] Whether double jeopardy barred the defendant's second prosecution because the dual sovereignty doctrine did not apply.

2021SC796 (1 HOUR)

Petitioner:

Trevor A. Pellegrin,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Emily Catherine Hessler
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Brittany Limes Zehner
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2018CA1487

Docketed: November 2, 2021

At Issue: February 8, 2023

ISSUE(S):

Whether the court of appeals erred in concluding section 18-1-408(5)(c), C.R.S. (2021), creates a 'single distinction' test, meaning that because harassment differs from stalking only insofar as a less serious injury and lesser kind of culpability suffice to prove harassment, the offenses do not merge.

Whether the federal and state constitutions require that a jury make a domestic violence finding subjecting the defendant to an increased penalty.
