

2023SA300

**Petitioner-Appellees/Cross-Appellants:**

Norma Anderson, Michelle Priola, Claudine Cmarada,  
Krista Kafer, Kathi Wright, and Christopher Castilian,

v.

**Respondent-Appellee:**

Jena Griswold, in her official capacity as Colorado  
Secretary of State,

v.

**Intervenor-Appellee:**

Colorado Republican State Central Committee, an  
unincorporated association,

**Intervenor Appellant/Cross Appellee:**

Donald J. Trump.

**For the Petitioner-Appellee/Cross-Appellants:**

Mario Daniel Nicolais  
KBN LAW LLC  
and  
Jason Murray  
Sean Christopher Grimsley  
Eric R Olson  
OLSON GRIMSLEY KAWANABE HINCHCLIFF  
and  
Martha Moore Tierney  
TIERNEY LAWRENCE STILES LLC

**For the Respondent-Appellee:**

Jennifer L Sullivan  
Michael Thomas Kotlarczyk  
Grant Thomas Sullivan  
COLORADO DEPARTMENT OF LAW

**For the Intervenor-Appellee Colorado Republican State  
Central Committee, an unincorporated association:**

Michael William Melito  
MELITO LAW  
and  
Robert Alan Kitsmiller  
PODOLL PODOLL P.C.

**For the Intervenor Appellant/Cross-Appellee Donald J.  
Trump:**

Scott Eric Gessler  
Geoffrey N Blue  
GESSLER BLUE LLC

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2022SC499 (1 HOUR)

**Petitioner:**

University of Denver,

v.

**Respondent:**

John Doe.

**For the Petitioner:**

Jim Goh  
Rayner Mangum  
CONSTANGY BROOKS SMITH & PROPHETE LLC  
and  
Joshua Richards  
Patrick Nugent  
SAUL EWING ARNSTEIN & LEHR LLP

**For the Respondent:**

Michael Mirabella  
Caleb Ray  
CAMPBELL KILLIN BRITTAN & RAY LLC

**For Amici Curiae Regis University, Colorado  
College:**

Eric.Ziporin  
James Kadolph  
SGR LLC

**For Amicus Curiae the State of Colorado:**

Skippere Spear  
AURARIA HIGHER EDUCATION CENTER

Certiorari to the Colorado Court of Appeals, 2020CA1545  
Docketed: July 6, 2022  
At Issue: June 12, 2023

ISSUE(S):

[REFRAMED] Whether a sexual misconduct policy required by federal and Colorado law can constitute a contract between an institution of higher education and its students.

[REFRAMED] Whether a statement in a university's sexual misconduct policy that student sexual misconduct investigations will be "thorough, impartial and fair" is sufficiently definite to support a claim for breach of contract.

[REFRAMED] Whether a statement that student sexual misconduct investigations will be "thorough, impartial and fair" in a university's procedures is sufficiently definite to support a claim for breach of the implied covenant of good faith and fair dealing.

[REFRAMED] Whether a university owes its students a duty in tort to adopt fair policies and procedures for investigating and adjudicating claims of student sexual misconduct and to exercise reasonable care in following those procedures.

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2022SC805 (1 HOUR)

**Petitioner:**

Great Northern Properties, LLLP, a Colorado limited liability partnership,

**v.**

**Respondents:**

Extraction Oil and Gas, Inc.; Richmark Energy Partners, LLC; and Richmark Royalties, LLC.

**For the Petitioner:**

Patrick M. Groom  
Kent A. Naughton  
Francis L. Kailey  
WITWER OLDENBURG BARRY & GROOM LLP

**For the Respondents:**

Samuel S. Bacon  
Joseph C. Pierzchala  
WELBORN SULLIVAN MECK & TOOLEY P.C.

**For the Amicus Curiae Mineral Resources, Inc., a Colorado corporation:**

Thomas J. Kimmell  
ZARLENGO & KIMMELL P.C.

Certiorari to the Colorado Court of Appeals, 2021CA700  
Docketed: October 26, 2022  
At Issue: June 26, 2023

ISSUE(S):

Whether a deed that describes land lying next to a dedicated right-of-way but does not purport to convey any interest in the right-of-way should be presumed to convey the mineral estate underneath the right-of-way.

Whether the court of appeals erred in determining that the centerline presumption does not apply if the grantor retains ownership of any property abutting the right-of-way.

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2022SC313 (1 HOUR)

**Petitioner:**

Reginald Keith Clark,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Casey Mark Klekas  
OFFICE OF THE PUBLIC DEFENDER

**For the Respondent:**

Patrick A. Withers  
OFFICE OF THE ATTORNEY GENERAL

**For Amici Curiae Colorao-Montana-Wyoming  
Area Conference of the National Association  
for the Advancement of Colored People, and  
the American Civil Liberties Union of  
Colorado:**

Timothy R. Macdonald  
Anna I. Kurtz  
ACLU FOUNDATION OF COLORADO  
and  
Martina Tiku  
Anna Kathryn Barnes  
NAACP

**For Amici Curiae Colorado Hispanic Bar  
Association, Asian Pacific American Bar  
Association of Colorado, South Asian Bar  
Association of Colorado, and Sam Cary Bar  
Association:**

Kendra N. Beckwith  
Tyler J. Owen  
LEWIS ROCA ROTHGERBER CHRISTIE LLP

**For Amicus Curiae Mountain States Legal  
Foundation:**

William E. Trachman  
James L. Kerwin  
MOUNTAIN STATES LEGAL FOUNDATION

**For Amicl Curiae Office of The Alternate  
Defense Counsel, and the Colorado Criminal  
Defense Bar:**

Ann M. Roan  
LAW OFFICES OF ANN M. ROAN LLC

Certiorari to the Colorado Court of Appeals, 2019CA340  
Docketed: May 05, 2022  
At Issue: October 18, 2023

ISSUE(S):

[REFRAMED] Whether the trial court's erroneous denial of a defendant's for-cause challenge to a juror who expressed racial bias was harmless or structural error.

Whether a juror's comments during deliberations, that she learned from a judge in prior jury service that jurors must deliberate indefinitely until a unanimous verdict is reached, constitute "extraneous prejudicial information" under CRE 606(b).

Supreme Court, State of Colorado  
December 12, 2023

~~3:30 p.m. -- Public Hearing:~~

CANCELLED

Colorado Rules of ICWA Procedures

2022SC520 (1 HOUR)

**Petitioner:**

Joseph Wayne Washington,

**v.**

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

John Plimpton  
OFFICE OF THE PUBLIC DEFENDER

**For the Respondent:**

William G. Kozeliski  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2019CA1332

Docketed: July 15, 2022

At Issue: October 12, 2023

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in holding that *People v. Novotny*, 2014 CO 18, 320 P.3d 1194, implicitly overruled *Norman v. People*, 496 P.2d 1029 (Colo. 1972).

[REFRAMED] Whether the court of appeals erred in utilizing a harmless error standard of reversal for the misjoinder of charges for trial.

[REFRAMED] Whether the trial court erred in consolidating petitioner's murder charge with his drug-related charges.

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2022SC580 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

**v.**

**Respondent:**

Glen Gary Montoya.

**For the Petitioner:**

Brenna A. Brackett  
OFFICE OF THE ATTORNEY GENERAL

**For the Respondent:**

Mackenzie R. Shields  
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2018CA1409  
Docketed: August 10, 2022  
At Issue: September 13, 2023

ISSUE(S):

[REFRAMED] Whether the definition of “refusal” or “refusal by noncooperation” under the expressed consent statute for administrative driver’s license revocation is applicable in a criminal DUI trial.

[REFRAMED] Whether the court of appeals erred in holding that the prosecution was required to present evidence, in his criminal trial for driving under the influence, that defendant claimed he was willing to take a blood test after he had previously agreed but then refused to submit to one.

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