

2023SA186 (1 HOUR)

In Re

Plaintiff:

Michael D. Miller,

v.

Defendant:

Crested Butte, LLC.

For the Plaintiff:

Jim Leventhal
Bruce L. Braley
Brian N. Aleinikoff
Tim J. Luetkemeyer
LEVENTHAL PUGA BRALEY P.C.

For the Defendant

Michael J. Hofmann
Kaitlin M. DeWulf
BRYAN CAVE LEIGHTON PAISNER LLP
and
Craig R. May
Frederick C. Yarger
Kristen L. Ferries
WHEELER TRIGG O'DONNELL LLP

**For Amici Curiae Colorado Ski Country USA, Inc.,
Colorado Camps Network, and Challenge Aspen:**

Jordan L. Lipp
CHILDS MCCUNE LLC

**For Amicus Curiae Colorado River Outfitters
Association:**

Peter C. Middleton
HALL & EVANS LLC

**For Amicus Curiae Colorado Trial Lawyers
Association:**

S. Paige Singleton
RAMOS LAW

For Amicus Curiae National Ski Areas Association:

Brian A. Birenbach
ZWEIG LAW PC

Original Proceeding, District Court, Broomfield County, 2022CV30333
Docketed: July 21, 2023
At Issue: November 21, 2023

ISSUE(S):

Did the trial court err by ignoring Colorado precedent and finding that Crested Butte may absolve itself of a statutory duty through a private contract?

Did the trial court err by failing to properly apply the factors in Jones v. Dressel, 623 P.2d 370 (Colo. 1981)?

2022SC712 (1 HOUR)

Petitioner:

Ricardo Castro,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Meredith K. Rose
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Frank R. Lawson
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Court of Appeals, 2018CA2389
Docketed: September 21, 2022
At Issue: November 27, 2023

ISSUE(S):

Whether the standard of review for a trial court's decision to substitute an alternate juror for a deliberating juror is de novo or abuse of discretion, or whether the standard of review is subsumed by the prejudice analysis.

Whether the court of appeals erred by applying the presumption-of-prejudice test from *People v. Burnette*, 775 P.2d 583 (Colo. 1989), to the trial court's mid-deliberations substitution of the alternate juror instead of a harmlessness analysis as adopted by *James v. People*, 2018 CO 72.

2022SC852 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Raeaje Resshaud Johnson.

For the Petitioner:

John T. Lee
Jaycey Dehoyos
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Tanja Heggins
THE LAW FIRM OF TANJA HEGGINS P.C.

For Amici Curiae ACLU of Colorado, Roderick & Solange Macarthur Justice Center, Fred T. Korematsu Center for Law and Equality, Colorado Hispanic Bar Association, Asian Pacific American Bar Association of Colorado, South Asian Bar Association of Colorado, and Sam Cary Bar Association:

Mark T. Clouatre
Blake A.Gansborg
Christina Lehm
NELSON MULLINS RILEY & SCARBOROUGH LLP
and
Timothy R.Macdonald
Sara Neel
Emma Mclean-Riggs
ACLU FOUNDATION OF COLORADO
and
Robert S.Chang
FRED T. KOREMATSU CENTER FOR LAW AND
EQUALITY SEATTLE UNIVERSITY SCHOOL OF
LAW

For Amici Curiae the Colorado Women's Bar Association, the Colorado LGBT Bar Association, and the Colorado Office of the Alternate Defense Counsel:

Gail K. Johnson
JOHNSON & KLEIN, PLLC

Certiorari to the Court of Appeals, 2019CA768
Docketed: November 17, 2022
At Issue: December 4, 2023

ISSUE(S):

Whether citing a Black juror's expression of concern that police do not treat minority persons equally constitutes a race-neutral justification for the purposes of Batson's second step.

Whether the court of appeals erred in departing from supreme court precedent in adopting for the first time a "per se" test mandating a trial court to sustain a Batson objection when the challenged peremptory strike is supported by justification both race-neutral and race-based without regard to whether the strike was based on purposeful discrimination.

2023SC75 (1 HOUR)

Petitioner:

The People of the State of Colorado

v.

Respondent:

Sterling Dwayne Austin.

For the Petitioner:

John T. Lee
Joshua J. Luna
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Joseph Chase
SHULMAN CHASE LLC

For Amici Curiae ACLU of Colorado, Roderick & Solange Macarthur Justice Center, Fred T. Korematsu Center for Law and Equality, Colorado Hispanic Bar Association, Asian Pacific American Bar Association of Colorado, South Asian Bar Association of Colorado, and Sam Cary Bar Association:

Mark T. Clouatre
Blake A.Gansborg
Christina Lehm
NELSON MULLINS RILEY & SCARBOROUGH LLP
and
Timothy R.Macdonald
Sara Neel
Emma Mclean-Riggs
ACLU FOUNDATION OF COLORADO
and
Robert S.Chang
FRED T. KOREMATSU CENTER FOR LAW AND
EQUALITY SEATTLE UNIVERSITY SCHOOL OF
LAW

For Amici Curiae the Colorado Women's Bar Association, the Colorado LGBT Bar Association, and the Colorado Office of the Alternate Defense Counsel:

Gail K. Johnson
JOHNSON & KLEIN, PLLC

Certiorari to the Court of Appeals, 2019CA1355
Docketed: January 30, 2023
At Issue: December 4, 2023

ISSUE(S):

Whether citing a Black juror's expression of concern that police do not treat minority persons equally constitutes a race-neutral justification for the purposes of Batson's second step.

Whether the court of appeals erred in departing from supreme court precedent in adopting for the first time a "per se" test mandating a trial court to sustain a Batson objection when the challenged peremptory strike is supported by justification both race-neutral and race-based without regard to whether the strike was based on purposeful discrimination.

2023SA154 (1 HOUR)

Plaintiffs-Appellants:

Franktown Citizens Coalition II, Inc. and West Elbert
County Well Users Association,

v.

Opposers-Appellees:

Independence Water and Sanitation District and
Cordillera Corporation,

and

Appellees:

State Engineer and Division 1 Engineer.

For the Plaintiffs-Appellants:

John D. Buchanan
THE LAW OFFICE OF JOHN D. BUCHANAN

**For the Opposer-Appellee Independence
Water and Sanitation District:**

David S. Hayes
Matthew S. Poznanovic
Eric K. Trout
HAYES POZNANOVIC KORVER LLC

**For the Opposer-Appellee Cordillera
Corporation:**

Christopher Cummins
MONSON CUMMINS SHOHET & FARR LLC

Appeal from the District Court, Water Division 1, 2019CW3220
Docketed: June 19, 2023
At Issue: November 13, 2023

ISSUE(S):

Whether the water court erred as a matter of law in holding that the court cannot apply the anti-speculation doctrine in a proceeding to amend a plan for augmentation to augment depletions caused by the withdrawal of not-nontributary groundwater.
