
2008SA402 (2 HOURS)

Plaintiff-Appellee:

The People of the State of Colorado,

v.

Defendant-Appellant:

Sir Mario Owens.

For the Plaintiff-Appellee:

Katharine Gillespie
John Lee
Paul Koehler
OFFICE OF THE ATTORNEY GENERAL

For the Defendant-Appellant:

Jennifer Gedde
JENNIFER L. GEDDE LLC
and
Jonathan Reppucci
REPPUCCI LAW FIRM P.C.
and
Mark Walta
GOODREID GRANT & WALTA LLC
and
Todd Mair
RICHARDS CARRINGTON LLC
and
James Castle
CASTLE & CASTLE P.C.

Appeal from the District Court, Arapahoe County, 06CR705
Docketed: December 12, 2008
At Issue: February 23, 2023

ISSUE(S):

Whether the trial court unconstitutionally abused its discretion by precluding inquiry into race-related issues and racial prejudice during voir dire.

Whether the trial court erred reversibly by overruling Owens's objections under *Batson v. Kentucky*, 476 U.S. 79 (1986), to the prosecution's use of back-to-back peremptory challenges to strike two death-qualified Black prospective jurors.

Whether the trial court erred reversibly by (a) allowing, without meaningful limitation and in contravention of governing rules and evidentiary principles, prosecutors to present excessive evidence related to the separate Lowry Park shootings; (b) refusing to grant a mistrial based on the prosecution's star witness's highly improper outbursts and repeated declarations that Owens was guilty; and (c) precluding Owens from impeaching that same witness with powerful extrinsic evidence showing specific contradiction, bias, and prior inconsistent statements.

Whether, considered cumulatively, multiple errors deprived Owens of a fair trial before an impartial tribunal.

2021SC678 (1 HOUR)

Petitioner:

Adrienne Marie Stone,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Tillman Clark
TILLMAN CLARK LAW
and
Darren Cantor
OFFICE OF THE ALTERNATE DEFENSE
COUNSEL

For the Respondent:

Daniel Magalotti
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2019CA1772
Docketed: September 15, 2021
At Issue: July 10, 2023

ISSUE(S):

Whether an occupant's consent to a law enforcement officer's entry into his or her home for one purpose extends to the officer's re-entry into the home for a different purpose after the officer briefly left the residence.

2022SC92 (1 HOUR)

Petitioners:

PK Kaiser, in his official capacity as Arapahoe County Assessor and Joann Groff, in her official capacity as Colorado State Property Tax Administrator,

v.

Respondents:

Aurora Urban Renewal Authority, Corporex Colorado LLC, Fitzsimons Village Metropolitan District No. 1, Fitzsimons Village Metropolitan District No. 2, and Fitzsimons Village Metropolitan District No. 3.

For the Petitioner PK Kaiser, in his official capacity as Arapahoe County Assessor:

John Christofferson
Ronald Carl
Benjamin Swartzendruber
ARAPAHOE COUNTY ATTORNEYS OFFICE

For the Petitioner Joann Groff, in her official capacity as Colorado State Property Tax Administrator:

Jessica Ross
John Ridge
Robert Dodd
OFFICE OF THE ATTORNEY GENERAL

For the Respondent Aurora Urban Renewal Authority:

Thomas Snyder
Daniel Lynch
KUTAK ROCK LLP

For the Respondents Corporex Colorado LLC, Fitzsimons Village Metropolitan District No. 1, Fitzsimons Village Metropolitan District No. 2, and Fitzsimons Village Metropolitan District No. 3:

Craig Joyce
Lee Goldstein
FAIRFIELD & WOODS, P.C.

For Amicus Curiae Colorado Counties, Inc:

Andrew Ringel
Ethan Zweig
HALL & EVANS LLC

For Amicus Curiae Colorado Municipal Bond Dealers Association:

Carolynne White
Christopher Murray
Rosa Baum
BROWNSTEIN HYATT FARBER SCHRECK, LLP

For Amicus Curiae Colorado Municipal League:

Robert Sheesley
Rachel Bender
COLORADO MUNICIPAL LEAGUE

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, September 19, 2023
Bailliff: Chambers of Justice Berkenkotter

2:00 p.m.
EN BANC

Certiorari to the Colorado Court of Appeals, 2020CA1162
Docketed: February 11, 2022
At Issue: April 4, 2023

ISSUE(S):

Whether the majority's invalidation of the Administrator's long-standing methodology for implementing the Colorado urban renewal law's tax increment financing provision impermissibly overrides the General Assembly's delegation of authority to the Administrator and conflicts with this court's precedent.

2022SA317 (1 HOUR)

Concerning the Application of the United States of America, the City and County of Denver, acting by and through its Board of Water Commssioners, the City of Colorado Springs, acting through its enterprise Colorado Springs Utilities, the Colorado River Water Conservation District, the Northern Colorado Water Conservancy District, the Middle Park Water Conservancy District, the Grand Valley Water Users Association, the Orchard Mesa Irregation District, the Grand Valley Irrigation Company, the Palisade Irrigation District and Climax Molybdenum Company for a Determination of Water Rights in Summit, Grand, Garfield, Eagle, Pitkin, Routt, Gunnison, Rio Blanco and Mesa Counties, Colorado

Applicants-Appellees:

The United States of America; the City and County of Denver, acting by and through its Board of Water Commissioners; the City of Colorado Springs, acting through int enterprise Colorado Springs Utilities; Colorado River Water Conservation District; the Northern Colorado Water Conservancy District; the Middle Park Water Conservancy District; the Orchard Mesa Irrigation District; the Grand Valley Water Users Association; the Grand Valley Irrigation Company; Palisade Irrigation District; and Climax Molybdenum Company;

v.

Opposer-Appellant:

City of Golden,

Opposers-Appellees:

the Ute Water Conservancy District; Grand County Board of Commissioners; the City of Aurora; the Clinton Ditch and Reservoir Company; the Eagle River Water and Sanitation District; Upper Eagle Regional Water Authority; the Eagle Park Reservoir Company; the Summit County Board of Commissioners; the Public Service Company of Colorado; the Town of Gypsum; the Chimney Rock Ranch, LLC; and the Snake River Water District;

Appellee Pursuant to C.A.R. 1(e):

James Heath, in his capacity as the Division Engineer for Water Division No. 5.

For the Applicant-Appellee The United States of America:

James J Dubois
Jeffrey Candrian
Katelin Shugart-Schmidt
Romney Philpott
John Bies
US DEPARTMENT OF JUSTICE ENRD

For the Applicant-Appellee The City and County of Denver, acting by and through its Board of Water Commissioners:

Crystal Easom
Daniel Arnold
James Wittler
DENVER WATER

For the Applicant-Appellee the City of Colorado Springs, acting through int enterprise Colorado Springs Utilities:

Michael Gustafson
COLORADO SPRINGS CITY ATTORNEY'S
OFFICE
and
William Paddock
CARLSON, HAMMOND & PADDOCK, LLC

For the Applicant-Appellee Colorado River Water Conservation District:

Jason Turner
Peter Fleming
COLORADO RIVER WATER CONSERVATION
DISTRICT

For the Applicant-Appellee the Northern Colorado Water Conservancy District:

Bennett Raley
TROUT RALEY

For the Applicant-Appellee the Middle Park Water Conservancy District:

Kent Whitmer
THE WHITMER LAW FIRM LLC

For the Applicants-Appellees the Orchard Mesa Irrigation District and the Grand Valley Water Users Association:

Kirsten Kurath
WILLIAMS TURNER & HOLMES PC

**For the Applicant-Appellee the Grand Valley
Irrigation Company:**

Frederick Aldrich
FREDERICK G. ALDRICH LLC

**For the Applicant-Appellee Palisade Irrigation
District:**

Nathan Keever
DUFFORD WALDECK MILBURN & KROHN LLP

**For the Applicant-Appellee Climax Molybdenum
Company:**

Sheeka Stack
Brian Nazarenius
NAZARENUS STACK AND WOMBACHER LLC

For the Opposer-Appellant City of Golden:

Cassidy Woodard
Gunnar Paulsen
Steven Bushong
BUSHONG AND HOLLEMAN PC
and
Glenn Porzak
PORZAK LAW LLC

**For the Opposer-Appellee the Ute Water
Conservancy District:**

Christopher Geiger
Sara Dunn
BALCOMB & GREEN PC

**For the Opposer-Appellee Grand County Board
of Commissioners:**

David Taussig
WHITE & JANKOWSKI LLC

For the Opposer-Appellee the City of Aurora:

Austin Hamre
John Dingess
HAMRE RODRIGUEZ OSTRANDER PRESCOTT
PC
and
Teri Petitt
TERI L PETITT

**For the Opposers-Appellees the Clinton Ditch
and Reservoir Company; the Eagle Park
Reservoir Company and the Snake River Water
District:**

Glenn Porzak
PORZAK LAW LLC

**For the Opposers-Appellees the Eagle River
Water and Sanitation District and the Upper
Eagle Regional Water Authority:**

Kristin Moseley
Michael Daugherty
SOMACH SIMMONS DUNN

**For the Opposer-Appellee the Summit County
Board of Commissioners:**

Thomas Korver
HAYES POZNANOVIC KORVER LLC

**For the Opposer-Appellee the Public Service
Company of Colorado:**

Carolyn Burr
James Noble
WELBORN SULLIVAN MECK & TOOLEY PC

For the Opposer-Appellee the Town of Gypsum:

Jason Groves
Kevin Patrick
PATRICK MILLER NOTO PC

**For the Opposer-Appellee the Chimney Rock
Ranch, LLC:**

Karen Henderson
Steven Bushong
BUSHONG & HOLLEMAN PC

**For Appellee Pursuant to C.A.R. 1(e) James
Heath, in his capacity as the Division
Engineer for Water Division No. 5.:**

Division 5 Water Engineer
STATE OF COLORADO DWR DIVISION 5

Appeal from the District Court, Water Division 5, 2013CW3077
Docketed: September 28, 2022
At Issue: May 18, 2023

ISSUE(S):

Whether the water court erred when it held that injury was not a proper or essential inquiry in this case as a matter of law.

Whether the water court erred when it held that the Green Mountain Reservoir Administrative Protocol ("Protocol") is consistent with the Blue River Decree.

Whether the water court erred when it ordered the State Engineer to administer water rights in accordance with certain sections of the Protocol, even though the Protocol is inconsistent with the prior appropriation doctrine and no inquiry was conducted on whether such administration would cause injury to water rights.

ISSUE(S) - CONTINUED:

Whether the water court erred in denying Golden the opportunity to present evidence at trial on issues that are inherently factual in nature, including newly discovered evidence Golden obtained through ongoing and timely discovery completed after the briefing on summary judgment and before the scheduled trial date that was vacated by the order on summary judgment.

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.

2022SC250 (1 HOUR)

Petitioner:

City and County of Denver,

v.

Respondents:

Board of County Commissioners of Adams County, City of Aurora, City of Brighton, and City of Thornton.

For the Petitioner:

Frederick Yarger
Meghan Berglind
WHEELER TRIGG O'DONNELL LLP
and
W Pilsk
Samantha Caravello
KAPLAN KIRSCH & ROCKWELL LLP

For the Respondents:

Mark Davis
Taylor Clapp
JACHIMIAK PETERSON KUMMER, LLC

**For Amici Curiae the Chamber of
Commerce of the United States of America,
the Colorado Chamber of Commerce:**

Robert Anderson
Brian Williams
Elizabeth Stonehill
ARNOLD & PORTER KAYE SCHOLER LLP

**For Amici Curiae the Colorado Defense
Lawyers Association, Colorado Civil
Justice League:**

Kendra Beckwith
Elizabeth Michaels
LEWIS ROCA ROTHGERBER CHRISTIE LLP

Certiorari to the Colorado Court of Appeals, 2020CA1778
Docketed: April 12, 2022
At Issue: May 9, 2023

ISSUE(S):

Whether the court of appeals erred when it determined that a cause of action for breach of contract does not accrue until the extent of damages is fully ascertainable and there is an "incentive to sue."

SUPREME COURT, STATE OF COLORADO

Public Hearing - CANCELLED

Rules of Professional Conduct proposed Rule 1.4