

2019SC763 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Ray Ojeda.

For the Petitioner:

Kevin E McReynolds
COLORADO ATTORNEY GENERALS OFFICE

For the Respondent:

Elizabeth F Griffin
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2015CA1517

Docketed: October 9, 2019

At Issue: July 19, 2021

ISSUE(S):

Whether the court of appeals erred in applying *Batson v. Kentucky*, 476 U.S. 79 (1986), by adopting an unprecedented 'substantial motivating factor' test to override the trial court's conclusion that 'abundant race-neutral reasons' supported a juror strike.

Whether the court of appeals erred by creating its own factual findings when unsatisfied with the trial court's instead of remanding for further proceedings as this court required in *People v. Rodriguez*, 2015 CO 55.

2021SA153

In Re:

Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Kevin Wayne Viburg.

For the Plaintiff:

Colleen R Lamb

Sherri L Giger

FIRST JUDICIAL DISTRICT ATTORNEYS OFFICE

For the Defendant (Petitioner):

Meredith Elizabeth O'Harris

OFFICE OF THE STATE PUBLIC DEFENDER

Original Proceeding, District Court, Jefferson County, 2016CR1633

Docketed: May 10, 2021

At Issue: July 19, 2021

ISSUE(S):

When a defendant stands convicted of misdemeanor DUI, whether the State may hold a second trial in order to raise the level of that conviction to a felony offense, or whether a successive trial is barred by (1) double jeopardy, (2) the Sixth Amendment and due process, or (3) Colorado's mandatory joinder statute

2020SC399 (1 HOUR)

Petitioner:

Brooke E. Rojas,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Rachel K Mercer
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Kevin E McReynolds
COLORADO ATTORNEY GENERALS OFFICE

Certiorari to the Colorado Court of Appeals, 2015CA126

Docketed: May 19, 2020

At Issue: July 19, 2021

ISSUE(S):

Whether evidence that petitioner committed a similar offense, after the charged offense, is admissible without a limiting instruction, under the res gestae doctrine, to prove that she committed the charged offense.

Whether this court should abolish the res gestae doctrine.

2020SC360 (1 HOUR)

Petitioner:

William J. Hunsaker, Jr.,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

William J Hunsaker
HUNSAKER EMMI PC

For the Respondent:

Megan Christine Rasband
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2017CA1815

Docketed: May 6, 2020

At Issue: July 19, 2021

ISSUE(S):

Whether the court of appeals erred in holding that when an illegal sentence is corrected pursuant to Crim. P. 35(a), it only renews the three-year deadline for collaterally attacking the original judgment of conviction for claims related to how the illegality in the original sentence potentially affected the original conviction, directly in conflict with its holding in *People v. Baker*, 2017 COA 102, rev'd on other grounds, 2019 CO 97, 452 P.3d 759 (Colo. 2019).

[REFRAMED] Whether the court of appeals erred in holding that the date of conviction was, for purposes of postconviction relief under section 16-5-402(1), C.R.S. (2020), the date of the mandate affirming petitioner's conviction, where the judgment of conviction was corrected pursuant to Crim. P. 35(a) but only one of the claims asserted in a later-filed Crim. P. 35(c) motion relates to the illegality in the original sentence.

2020SC236 (1 HOUR)

Petitioner:

Weston Jefferson Thomas,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Jacob B McMahon
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Carmen Moraleda
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2016CA107

Docketed: March 19, 2020

At Issue: July 19, 2021

ISSUE(S):

Whether a person can be guilty of resisting arrest based on post-arrest conduct.

Whether negligently causing bodily injury to an at-risk person under section 18-6.5-103(2)(c), C.R.S. (2019), merges into third-degree assault under section 18-3-204(1)(a), C.R.S. (2019).

Whether a defendant's past drug-possession offenses, convictions that would now be level-four drug felonies, are valid predicate convictions for habitual criminal sentencing.

2019SC631 (1 HOUR)

Petitioners:

Francis Rudnicki and Pamela Rudnicki, as parents,
guardians and next friends of Alexander Rudnicki, a minor
child,

v.

Respondent:

Peter Bianco, D.O.

For the Petitioners:

Henry Minitier
DAN CAPLIS LAW
and
Thomas Dean Neville
Clayton Earl Wire
OGBORN MIHM LLP
and
David Scott Woodruff
WAHLBERG WOODRUFF NIMMO SLOANE LLP

For the Respondent:

Kendra Nychel Beckwith
MESSNER REEVES LLP

**For Amicus Curiae American Property Casualty
Insurance Association, Colorado Civil Justice
League, Colorado Defense Lawyers Association**

Margrit Alice Lent Parker
LENT PARKER LAW LLC

For Amicus Curiae Childrens Hospital Colorado

Marjorie Taylor Smith
Traci L Van Pelt
MCCONNELL VAN PELT, LLC

**For Amicus Curiae Colo Dept of Health Care Policy
and Fina**

Alisa Ann Campbell
OFFICE OF THE ATTORNEY GENERAL

**For Amicus Curiae Coloradans Protecting Patient
Access**

Theresa Wardon Benz
Shawn Kimberly Neal
WHEELER TRIGG O'DONNELL LLP

**For Amicus Curiae Colorado Trial Lawyers
Association**

Kylie Marie Schmidt
DARLING MILLIGAN PC
and
Molly Lee Greenblatt
Julia Treacy Thompson
LEVENTHAL PUGA BRALEY P.C.
and
David P Mason
THE KOMYATTE LAW FIRM LLC

Certiorari to the Colorado Court of Appeals, 2018CA215
Docketed: August 22, 2019
At Issue: July 19, 2021

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in concluding that the Department of Healthcare Policy and Financing does not have a valid lien against the minor child plaintiff's recovery.

[REFRAMED] Whether this court should abandon the common law rule that tort damages for medical expenses incurred by an unemancipated minor may be recovered only through a derivative claim brought by the minor's parents.
