

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 16, 2022

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

OPINIONS

[2022 CO 20](#)

Supreme Court Case No. 20SC565
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA23

Petitioner:

Lisa Melody French,

v.

Respondents:

Centura Health Corporation and Catholic Health Initiatives Colorado, d/b/a
St. Anthony North Health Campus.

Judgment Reversed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

[2022 CO 21](#)

Supreme Court Case No. 20SC950
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA2384

Petitioners:

Leonel Gomez, Francisco Gonzalez, Ebarardo Sanchez, and Nathan Abbott,

v.

Respondent:

JP Trucking, Inc.

Judgment Reversed
en banc

JUSTICE SAMOUR delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART,** and **JUSTICE BERKENKOTTER** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

[2022 CO 22](#)

Supreme Court Case No. 21SA122
Appeal from the District Court
Water Division 1, Case No. 16CW3052
Honorable James F. Hartmann, Water Judge

Concerning the Application for Water Rights of The Farmers Reservoir and Irrigation Company
in Adams and Weld Counties.

Applicant-Appellant/Cross-Appellee:

The Farmers Reservoir and Irrigation Company,

v.

Opposer-Appellees:

Public Service Company of Colorado; Irrigationists Association; Central Colorado Water
Conservancy District; Fort Morgan Reservoir and Irrigation Company; City of Brighton; City of
Commerce City; Henrylyn Irrigation District; South Adams County Water and Sanitation
District; Town of Lochbuie; Platte Valley Irrigation Company; City of Englewood; City of
Aurora; Lower Latham Reservoir Company; Dream Weaver Holdings LLC; City of Thornton;
Centennial Water and Sanitation District; Kevin Rein, State Engineer; and Corey DeAngelis,
Division Engineer for Water Division 1;

and

Opposer-Appellees/Cross-Appellants:

Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and
Sanitation District, and United Water and Sanitation District.

Judgment Affirmed
en banc

JUSTICE BERKENKOTTER delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT**, **JUSTICE MÁRQUEZ**, **JUSTICE HOOD**, **JUSTICE GABRIEL**, **JUSTICE HART**, and **JUSTICE SAMOUR** joined.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

ORIGINAL PROCEEDINGS

- [22SA108](#) In Re State of Colorado v. Juul Labs, Inc.
 Rule to Show Cause issued May 3, 2022
- [22SA111](#) In Re State of Colorado v. Juul Labs, Inc.
 Rule to Show Cause issued May 3, 2022
- [22SA122](#) In Re DIA Brewing v. MCE-DIA
 Rule to Show Cause issued May 6, 2022

GRANTED PETITION FOR WRIT OF CERTIORARI

No. 20SC17, Court of Appeals Case No. 17CA29

Petitioner:

Joshua W. Moore,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *Tibbels v. People*, 20SC22, 2022 CO 1. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC915, Court of Appeals Case No. 18CA526

Petitioner:

Edgar Antonio Reyes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC603, Court of Appeals Case No. 17CA2353

Petitioner:

Russell Irvin Jent,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC229, Court of Appeals Case No. 18CA871

Petitioner:

Ricardo Corral-Venegas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC689, Court of Appeals Case No. 18CA1408

Petitioner:

Michael Thomas Jean Wright,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 21SC692, Court of Appeals Case No. 21CA282

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Chad W. Brothers.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC734, Court of Appeals Case No. 20CA721

In Re the Estate of Joseph Celestino Gallegos, deceased.

Petitioners:

Shennae Finan, f/k/a Shennae Jaramillo and Corpus A. Gallegos Ranches LLP, a
Colorado limited liability limited partnership,
v.

Respondent:

Patricia Vialpando.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE GABRIEL does not participate.

No. 21SC758, Court of Appeals Case No. 20CA765

In Re the Marriage of

Petitioner:

Angele Luedtke,
and

Respondent:

Richard Luedtke.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC822, Court of Appeals Case No. 19CA633

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Amber Christine Russell.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 21SC834, Court of Appeals Case No. 18CA2011

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Kirk Samuel Wertz.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC954, Court of Appeals Case No. 20CA224

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Anthony Phillip Restrepo.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD and JUSTICE SAMOUR would grant as to the following issues:

Whether, in order to apply the good faith exception to the exclusionary rule of *Davis v. United States*, 564 U.S. 229 (2011) and section 16-3-308(1) and (2)(b), C.R.S. (2021), that applies when court precedents have been overruled, the precedent must be “binding” or incapable of being distinguished.

Whether the court of appeals erred by not applying the statutory and caselaw good faith exceptions to the exclusionary rule where law enforcement officers did not foresee that, two years after the search at issue, the passage of Amendment 64 would change this court’s caselaw concerning the use of drug-detection dogs.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC8, Court of Appeals Case No. 20CA923

Petitioner:

Pacific Express Stables, LLC, a Colorado limited liability company,
v.

Respondents:

Ryan Anderson and CF LoDo, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC49, Court of Appeals Case No. 18CA597

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Matt William Snodgrass.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD and JUSTICE SAMOUR would grant as to the following issues:

Whether, in order to apply the good faith exception to the exclusionary rule of *Davis v. United States*, 564 U.S. 229 (2011) and section 16-3-308(1) and (2)(b), C.R.S. (2021), that applies when court precedents have been overruled, the precedent must be “binding” or incapable of being distinguished.

Whether the court of appeals erred by not applying the statutory and caselaw good faith exceptions to the exclusionary rule where law enforcement officers did not foresee that, two years after the search at issue, the passage of Amendment 64 would change this court’s caselaw concerning the use of drug-detection dogs.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC56, Boulder County District Court Case No. 21CV30559

Petitioner:

Paul Dinkel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC113, Court of Appeals Case No. 18CA1359

Petitioner:

Shawn Michael Peacock,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC120, Court of Appeals Case No. 18CA1238

Petitioner:

Edward Lee Hicks,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC122, Court of Appeals Case No. 19CA1654

Petitioner:

Bernd Hoefel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC123, Logan County District Court, 16CV30101

Petitioner:

Luis Beltran,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC133, Court of Appeals Case No. 19CA442

Petitioner:

Elias Trevino Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC134, Court of Appeals Case No. 22CA469

Petitioner:

Jerome Greene,

v.

Respondent:

Colorado Public Employee Retirement Association.

Petition for Writ of Certiorari Pursuant to C.A.R. 50 DENIED. EN BANC.

No. 22SC186, Court of Appeals Case No. 21CA674

Petitioner:

Bud Forbes,

v.

Respondents:

Barbee's Freeway Ford, Mid-Century Insurance Company, and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC187, Court of Appeals Case No. 20CA2154

Petitioner:

Joseph Scott Carter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC188, Court of Appeals Case No. 18CA1739

Petitioner:

Charles Anthony Gross,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC191, Court of Appeals Case No. 19CA1448

Petitioner:

Alberto Morales-Ramirez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC192, Court of Appeals Case No. 19CA1038

Petitioner:

Fernando Mendoza,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC196, Arapahoe County District Court Case No. 21CV30984

Petitioner:

Norman Campbell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC197, Court of Appeals Case No. 22CA137

In re the Marriage of

Petitioner:

Patricia Tran,

and

Respondent:

Hieu Tran.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC198, Court of Appeal Case No. 21CA1874

Petitioner:

Omar A. Duwaik,

v.

Respondent:

HLTN Loans, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC199, Court of Appeals Case No. 21CA266

Petitioner:

David Craine,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC202, Court of Appeals Case No. 18CA2278

Petitioner:

Alexis Rose Clayton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC205, Court of Appeals Case No. 21CA811

Petitioner:

A. F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C. L. F.,

and Concerning

T. L.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC206, Court of Appeals Case No. 19CA2316

Petitioner:

Sean Nicholas Stouffis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC209, Court of Appeals Case No. 19CA10

Petitioner:

Brian C. Beecher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC235, Court of Appeals Case No. 21CA1008

Petitioners:

P. R. and K. A.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K. R.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 22SC241, Court of Appeals Case No. 21CA1045

Petitioner:

L. P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

L. P. and D. P.,

and Concerning

T. P.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, MAY 16, 2022

No. 22SC256, Court of Appeals Case No. 21CA765

Petitioner:

J. R.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

D. A.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC260, Court of Appeals Case No. 21CA1023

Petitioner:

A. C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M. J.,

and Concerning

C. J.

Petition for Writ of Certiorari DENIED. EN BANC.
