

COLORADO SUPREME COURT CASE ANNOUNCEMENTS
MONDAY, JULY 1, 2024

"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 public domain citation to view the opinion in pdf format.

OPINIONS

[2024 CO 55](#)

Supreme Court Case No. 22SC313
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA340

Petitioner:

Reginald Keith Clark,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

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

[2024 CO 56](#)

Supreme Court Case No. 22SC712
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA2389

Petitioner:

Ricardo Castro,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

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

PETITIONS FOR REHEARING

2024 CO 38

Supreme Court Case No. 24SA34

Original Proceeding Pursuant to C.A.R. 21

Jefferson County District Court Case Nos. 20CV31457 & 20CV31481

Honorable Lindsay L. VanGilder, Judge

In Re

Plaintiffs:

Ann Jordan; Bruce Howard Brown; David Gutierrez; Amber Tuffield; Geraldine Valdez;
Martha Ann Ratzloff; Daniel Ratzloff; Bradley Schaak; Cindy Fuhrmann; Kenneth
Noble, in his individual capacity and on behalf of decedent Kay Noble; Cynthia
Bauman; Susan Kaberline; and Blake Richard Darnell,

v.

Defendants:

Terumo BCT, Inc.; Terumo BCT Sterilization Services, Inc.; and John Does 1-20.

Petition for Rehearing DENIED. EN BANC.

[2024 CO 40M](#)

Supreme Court Case No. 22SC589
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA629

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Charles James Crabtree.

Opinion modified, and as modified, petition for rehearing DENIED. EN BANC.

[2024 CO 41M](#)

Supreme Court Case No. 22SC633
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA1629

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Donald L. Garcia.

Opinion modified, and as modified, petition for rehearing DENIED. EN BANC.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 24SC394, Court of Appeals Case No. 24CA774

Petitioners:

League of Women Voters of Greeley, Weld County, Inc.; Latino Coalition of Weld County; Barbara Whinery; and Stacy Suninga;

v.

Respondent:

The Board of County Commissioners of the County of Weld County.

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

Whether the trial court erred in concluding that section 30-10-306, et seq., C.R.S. (2023), implies a private right of action.

Whether the trial court erred in concluding that plaintiff-appellants had standing to sue the Board based on nothing more than generalized grievance constituting pure procedural irregularities.

Whether the trial court erred in concluding as a matter of law that section 30-10-306, et seq., applies to a home rule county with a conflicting charter.

Whether the trial court erred in determining there is no conflict between the provisions of section 30-10-306, et seq., and the Weld County home rule charter.

Whether the Board must be directed to engage in a county commissioner redistricting process that complies with the redistricting statutes for future elections.

No. 23SC659, Court of Appeals Case Nos. 22CA301 & 22CA1108

Petitioner / Cross-Respondent:

Public Service Company of Colorado, d/b/a Xcel Energy,

v.

Respondent / Cross-Petitioner:

Outdoor Design Landscaping, LLC,

and

Respondent:

Francisco Cuevas.

Petition and Cross-Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in holding that a provision in a utility's tariff purporting to limit the utility's liability only applies to customers of the utility.

[REFRAMED] Whether the court of appeals erred in holding that the General Assembly had not expressly delegated authority to the Public Utilities Commission to approve a tariff limiting tort liability in derogation of common law.

Whether the court of appeals erred in holding that Respondent was not a "person" subject to the notification requirements of the High Voltage Safety Act, § 9-2.5-102(1), C.R.S. (2023).

Whether the court of appeals erred in interpreting section 9-2.5-104(2), C.R.S. (2023) such that it renders the words "results in," "caused by the contact" and "due to the contact" superfluous.

DENIED AS TO ALL OTHER ISSUES.

No. 23SC834, Court of Appeals Case No. 20CA1746

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Nathan Crawford Hollis.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a law enforcement agency is entitled to restitution for unrecovered “buy money” under section 18-1.3-602(3)(a) and (b), C.R.S. (2023), as was held in *People v. Juanda*, 303 P.3d 128 (Colo. App. 2012) and contrary to the court of appeals holding here.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 23SC672, Court of Appeals Case No. 21CA1961

Petitioners:

Samantha Wagner; Ashley Stewart; A. S., a minor child acting through her mother and next best friend, Ashley Stewart; Mandy Davis; and Ammar Laskarwala,

v.

Respondents:

Planned Parenthood Federation of America, Inc. and Rocky Mountain Planned Parenthood, Inc., a/k/a Planned Parenthood of the Rocky Mountains, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC728, Court of Appeals Case No. 21CA1197

Petitioner:

Steven Duane Lindsay,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC819, Court of Appeals Case No. 21CA886

Petitioner:

Ricardo Enrique Munoz-Diaz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC885, Court of Appeals Case No. 20CA229

Petitioner:

Terrence Paul Triffet,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC902, Court of Appeals Case No. 22CA1967

In the Matter of the Estate of

Harold William Emick, III, deceased,

Petitioner:

Diana Emick,

v.

Respondent:

Robert Emick.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC935, Court of Appeals Case No. 21CA1369

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Francisco Lugo.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC38, Court of Appeals Case No. 22CA294

Petitioner:

David Jose Carrau,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC43, Court of Appeals Case No. 22CA1492

Petitioner:

Christopher Marc Sharpe,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC46, Mesa County District Court Case No. 22CV30351

Petitioner:

Andrea Wise,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC52, Court of Appeals Case No. 21CA1403

Petitioner:

William Robert Taft,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC57, Court of Appeals Case No. 22CA599

Petitioner:

Deshawn Demarcus House,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC69, Court of Appeals Case No. 22CA4

Petitioner:

William Joseph Roberts,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC71, Court of Appeals Case No. 22CA1219

Petitioner:

Shane Earl Hammond,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC89, Court of Appeals Case No. 21CA1180

Petitioner:

Emanuel Pittman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC92, Court of Appeals Case No. 22CA699

Petitioner:

Nicholas King Surroz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC348, Court of Appeals Case No. 23CA1516

Petitioner:

E.V.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

Z.A.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC349, Court of Appeals Case No. 23CA1910

Petitioner:

A.C., Sr.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

P.C. and A.C., Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 24SC350, Court of Appeals Case No. 23CA1257

Petitioner:

C.S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

At.R.,

and Concerning

J.M.S. and An.R.

Petition for Writ of Certiorari DENIED. EN BANC.