

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
**MONDAY, SEPTEMBER 9, 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.

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**OPINIONS**

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**[2024 CO 57](#)**

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**Supreme Court Case No. 24SA75**  
*Original Proceeding Pursuant to C.A.R. 21*  
County Court, City and County of Denver, Case No. 19M00428  
Honorable Kerri Lombardi, Judge

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**In Re  
Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Richard Lewis.

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**Order to Show Cause Discharged**  
*en banc*

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

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[2024 CO 58](#)

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**Supreme Court Case No. 23SC117**  
*Certiorari to the Colorado Court of Appeals*  
**Court of Appeals Case No. 18CA1877**

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**Petitioner:**

Rachel Ann Niemeyer,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Reversed**  
*en banc*

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

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[2024 CO 59](#)

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**Supreme Court Case No. 22SC952**  
*Certiorari to the Colorado Court of Appeals*  
**Court of Appeals Case No. 19CA2267**

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Terrence Kenneth Eugene.

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**Judgment Reversed**  
*en banc*

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

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[2024 CO 60](#)

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**Supreme Court Case No. 24SA12**

*Certification of Question of Law*

United States Court of Appeals for the Tenth Circuit Case No. 23-1082

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**Plaintiff-Appellant:**

Dan Hamilton, individually and on behalf of all others similarly situated,

v.

**Defendant-Appellee:**

Amazon.com Services LLC, a Delaware limited liability company.

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**Question Answered**

*en banc*

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

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[2024 CO 61](#)

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**Supreme Court Case No. 23SC97**  
*Certiorari to the Colorado Court of Appeals*  
**Court of Appeals Case No. 19CA2184**

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**Petitioner:**

Jamie Edward Bock,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

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

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[2024 CO 62](#)

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**Supreme Court Case No. 22SC845**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 20CA143

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Phillip Romero.

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**Judgment Reversed**  
*en banc*

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

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## RULE CHANGE

### [RULE CHANGE 2024\(13\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rules 16 and 121 §1-14; Form 28

**Amended and Adopted by the Court, En Banc, September 5, 2024, effective immediately.**

## ORIGINAL PROCEEDING

### [24SA183](#)

In Re People v. Quiroz, Victor  
Order issued September 5, 2024

## GRANTED PETITIONS FOR WRIT OF CERTIORARI

**No. 23SC924, Court of Appeals Case Number 21CA2068**

**Petitioner:**

Jamale D. Townsell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the standard for appointment of counsel under Criminal Rule of Procedure 35(c) differs from the standard for granting a hearing.

Whether an indigent pro se petitioner alleging ineffective assistance of counsel for failure to investigate DNA evidence must specify how exculpatory DNA evidence would undermine confidence in the conviction to sustain a Rule 35(c) motion.

Whether petitioner is entitled to postconviction counsel and a hearing to develop his claim that trial counsel rendered ineffective assistance of counsel by failing to investigate DNA evidence.

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**No. 23SC959, Court of Appeals Case No. 22CA1502**

**Petitioner:**

Banner Health, d/b/a North Colorado Medical Center,  
v.

**Respondents:**

Chance Gresser, individually and as parent, natural guardian, next of friend and on behalf of his daughter, C.G. and Erin Gresser, individually and as parent, natural guardian, next of friend and on behalf of her daughter, C.G.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in concluding that a trial court is limited to reviewing damages under a remittitur standard if the court finds grounds to exceed the damages cap set forth in section 13-64-402, C.R.S. (2023).

DENIED AS TO ALL OTHER ISSUES.

**HELD PETITION FOR WRIT OF CERTIORARI**

**No. 24SC207, Gonzalez-Quezada v. The People of the State of Colorado**  
**Held pending 23SC520, *People v. Bialas*; 23SC571, *Rios v. People***

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC798, Court of Appeals Case No. 21CA1329**

**Petitioner:**

Mark Anthony Jones,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC50, Adams County District Court Case No. 23CV30453**

**Petitioner:**

Hussein Sharif Daud,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**No. 24SC68, Court of Appeals Case No. 22CA1272**

**Petitioner:**

River Bend Corporation,

v.

**Respondent:**

GAP Real Properties, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC97, Court of Appeals Case No. 22CA1516**

**Petitioners:**

Marc Schulte and Bridget Farrell,

v.

**Respondent:**

All Seasons Construction, Inc., a Colorado corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC115, District Court, City and County of Denver Case No. 23CV30796**

**Petitioner:**

Aaron P. Little,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC128, District Court, City and County of Denver Case No. 23CV31991**

**Petitioner:**

Mariah R. Lopez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC135, Court of Appeals Case No. 21CA1194**

**Petitioner:**

Michael David Whyte,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC164, Court of Appeals Case No. 22CA19**

**Petitioner:**

Thomas Ludwig Fechtler,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

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**No. 24SC174, Larimer County District Court Case No. 23CV30069**

**Petitioner:**

Todd Waln,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC201, District Court, City and County of Denver Case No. 23CV30594**

**Petitioner:**

Sebastian Escandon-Trejo,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC213, Court of Appeals Case No. 22CA2059**

In re the Marriage of

**Petitioner:**

Corey J. Billups,  
and

**Respondent:**

Laura A. Billups.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC223, Court of Appeals Case No. 23CA82**

**Petitioner:**

Roy M. Billingsley,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC227, Court of Appeals Case No. 22CA1115**

**Petitioner:**

Isaias Rogelio Ayala,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC230, Court of Appeals Case No. 22CA1262**

**Petitioner:**

John Paul Toth,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC232, Court of Appeals Case No. 21CA1540**

**Petitioner:**

Luis Lopez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC236, Court of Appeals Case No. 22CA113**

**Petitioner:**

Jamie Wayne Hale,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC239, Court of Appeals Case No. 21CA1106**

**Petitioner:**

Charles J. Turner,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC241, Court of Appeals Case No. 21CA2077**

**Petitioner:**

Zachary Bowman,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC243, Court of Appeals Case No. 21CA472**

**Petitioner:**

Gerald Michael Fernandez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC252, Court of Appeals Case No. 23CA563**

In the Matter of the Adoption of: E.E.A.

**Petitioner:**

H.M.G-L,

v.

**Respondent:**

E.R.H.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC259, Court of Appeals Case No. 21CA1743**

**Petitioner:**

Bryant Montoya,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC261, Court of Appeals Case No. 22CA1899**

**Petitioner:**

Jason J. Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC270, Court of Appeals Case No. 20CA1958**

**Petitioner:**

Lawrence Angelo Arellano,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC274, District Court, City and County of Denver Case No. 22CV32618**

**Petitioner:**

Richard James Bara,

v.

**Respondent:**

1155 Sherman, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC310, Court of Appeals Case No. 22CA1691**

**Petitioner:**

Roderic Lee Donley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC500, Court of Appeals Case No. 23CA1817**

**Petitioner:**

K.P.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

Jay.P., Jae.P., and J.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC506, Court of Appeals Case No. 23CA2014**

**Petitioners:**

A.A. and T.T.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

A.T., A.A., T.A., G.K.L.A., and A.K.L-L.A.

Petitions for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC524, Court of Appeals Case No. 23CA1980**

**Petitioner:**

J.A.R.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

L.S.M.

Petition for Writ of Certiorari DENIED. EN BANC.

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