

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.

OPINIONS

[2024 CO 57](#)

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

In Re
Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Richard Lewis.

Order to Show Cause Discharged
en banc

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.

2024 CO 58

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

Petitioner:

Rachel Ann Niemeyer,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed
en banc

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.

[2024 CO 59](#)

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

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Terrence Kenneth Eugene.

Judgment Reversed
en banc

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.

2024 CO 60

Supreme Court Case No. 24SA12

Certification of Question of Law

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

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.

Question Answered

en banc

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.

2024 CO 61

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

Petitioner:

Jamie Edward Bock,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

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.

[2024 CO 62](#)

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

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Phillip Romero.

Judgment Reversed
en banc

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.
