
2023SC927 (1 HOUR)

Petitioner:

Amanda Brubaker, in her official capacity as the
Records Custodian for the Colorado Department of
Human Services,

v.

Respondents:

Colorado Sun and Tegna, Inc., d/b/a KUSA-TV/9News.

For the Petitioner:

Jennifer L. Carty
Joseph G. Michaels
OFFICE OF THE ATTORNEY GENERAL

For the Respondents:

Steven D. Zansberg
Michael Beylkin
ZANSBERG BEYLKIN LLC

For Amicus Curiae Denver Human Services:

Amy J. Packer
DENVER CITY ATTORNEY'S OFFICE

Certiorari to the Court of Appeals, 2021CA1608
Docketed: December 13, 2023
At Issue: February 20, 2025

ISSUE(S):

Whether the court of appeals erred as a matter of law in concluding that section 19-1-307(1)(a), C.R.S. (2023), is ambiguous.

Whether, if the court of appeals correctly concluded that section 19-1-307(1)(a) is ambiguous, it erred in concluding the legislative history and *Peck v. McCann*, 43 F.4th 1116 (10th Cir. 2022), support its interpretation of the statute.

2023SC847 (1 HOUR)

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Kari Mobley Kennedy.

For the Petitioner/Cross-Respondent:

Melissa D. Allen
OFFICE OF THE ATTORNEY GENERAL

For the Respondent/Cross-Petitioner:

Patrick J. Mulligan
MULLIGAN BREIT LLC

Certiorari to the Court of Appeals, 2021CA1203
Docketed: November 21, 2023
At Issue: May 22, 2025

ISSUE(S):

Whether vehicular homicide—DUI, § 18-3-106(1)(b)(I), C.R.S. (2023), is a per se grave or serious offense for purposes of proportionality review.

Whether the court of appeals erroneously ruled that the maximum sentence in the aggravated range, for a defendant with no prior felony convictions, did not give rise to an inference of gross disproportionality.

2024SC117 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jacob Alexander Shockey.

For the Petitioner:

Jessica E. Ross
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Casey Mark Klekas
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Court of Appeals, 2021CA311
Docketed: February 28, 2024
At Issue: April 30, 2025

ISSUE(S):

Whether any claim that the jury's findings are inconsistent was waived where the findings were read aloud by the district court and the defendant did not object until after the jury was discharged.

Whether a finding on a special interrogatory that the prosecution had not proven beyond a reasonable doubt the defendant used, or possessed and threatened the use of, a deadly weapon is logically and legally inconsistent with a conviction for second degree murder or negates an element of that offense.

Whether the appropriate remedy for an inconsistent verdict and special interrogatory finding is vacation of the conviction and entry of a judgment of acquittal or reversal of the conviction and remand for a new trial.

2024SA254 (1 HOUR)

Plaintiffs-Appellees:

Byers Peak Properties, LLC, a Colorado limited liability company; Byers Peak Downhill Properties, LLC, a Colorado limited liability company; C. Clark and Meredith C. Lipscomb, individuals; and Colorado Adventure Park, LLC, a Colorado limited liability company;

v.

Defendant-Appellant:

Byers Peak Land & Cattle, LLC, a Colorado limited liability company,

and

Appellees:

State Engineer and Division 5 Engineer.

For the Defendant-Appellant:

Joseph B. Dischinger
Philip E. Lopez
FAIRFIELD AND WOODS P.C.

For the Plaintiffs-Appellees:

Kevin L. Patrick
Jason M. Groves
PATRICK, MILLER & NOTO, P.C.
and
Michael O. Frazier
CAMPBELL WAGNER & FRAZIER LLC

For Appellees:

Derek L. Turner
Robert Harris
Mackenzie T. Herman
OFFICE OF THE ATTORNEY GENERAL

Appeal from the District Court, Water Division 5, 2019CW3067
Docketed: September 23, 2024
At Issue: June 6, 2025

ISSUE(S):

Whether the court erred in holding that plaintiffs have standing to bring claims that defendant wasted water, specifically: (a) whether section 37-92-502(2)(a), C.R.S., gives the State and Division Engineers (“Engineers”), and not the court, primary authority to determine if waste is occurring; (b) whether the court erred in formulating a “damages” test for standing for waste claims; and (c) whether the court erred in holding that defendant committed waste by diverting free river water exceeding its decreed rights.

Whether the court erred in holding that section 37-84-108, C.R.S., creates a private right of action to bring a waste claim under that statute.

Whether the court erred in holding that sections 37-84-124 and 37-84-125, C.R.S., apply to damages incurred from irrigation runoff, rather than damages due to the infringement of water rights, and thereby erred in assessing attorney fees against defendant pursuant to section 37-84-125.

Whether the court erred in granting plaintiffs’ trespass and nuisance claims where the court acknowledged defendant’s natural easement over plaintiffs’ property, there is no evidence in the record showing an increase in irrigation runoff beyond the historical easement, and the court found no damages from any unproved increased runoff.

Whether the court’s injunctive restrictions on defendant’s free river diversions infringe on defendant’s constitutional right under Colo. Const. art. XVI, § 6 to appropriate unappropriated water.

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Whether the court abused its discretion in not limiting plaintiffs' use of the Lower Gaskill Ditch to only irrigation of specific land that cannot be irrigated by the Beaver Dam Ditch, despite the court's explicit findings of such limited use, and whether the court correctly assumed ancillary jurisdiction over issues involving the "Spur Road" historically used to access the Lower Gaskill Ditch.
