

**THE SUPREME COURT OF THE
STATE OF COLORADO**

2 E. 14th Avenue
Denver, CO 80203

Appeal Pursuant to § 1-1-113(3), C.R.S.
District Court, City and County of Denver,
Case No. 2023CV032577
Honorable Sarah B. Wallace, Judge

Petitioners-Appellants:

NORMA ANDERSON, MICHELLE
PRIOLA, CLAUDINE CMARADA,
KRISTA KAHER, KATHI WRIGHT, and
CHRISTOPHER CASTILIAN,

v.

Respondent-Appellee:

JENA GRISWOLD, in her official capacity
as Colorado Secretary of State,

and

Intervenors-Appellees:

COLORADO REPUBLICAN STATE
CENTRAL COMMITTEE, and DONALD
J. TRUMP.

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Attorneys for Petitioners-Appellants:

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Donald Sherman*
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*Appearing *pro hac vice*

APPLICATION FOR REVIEW UNDER § 1-1-113(3) C.R.S.

INTRODUCTION

Petitioners file this notice to appeal the final decision of the Denver District Court in case 2023 CV 032577. This is an expedited matter under § 1-1-113, C.R.S. (2023) and requires an expedited briefing and argument schedule due to pending deadlines for ballot certification and resolution of potential appeals of this Court's decision. The Colorado Secretary of State must have all appeals (including any potential appeals to the United States Supreme Court) resolved on or before January 5, 2024, when ballots must be certified for Colorado's March 5, 2024 Presidential primary election.

To aid the Court in expediting this matter, a full brief on the one issue that Petitioners seek to appeal is concurrently filed with this Notice. Consequently, this Notice does not endeavor to provide a full narrative description usually provided under C.A.R. Rule 3(d)(2).

Intervenor Donald J. Trump earlier filed his own notice of appeal (Case No. 2023 SA 300) which the Court may consolidate under C.A.R. Rule 3(c)(2). However, Petitioners request that all matters be expedited due to the impending deadlines, the likelihood of further appeal, and

scheduling difficulties surrounding upcoming holidays. To that end, Petitioners-Appellants request any additional briefings be ordered to be filed concurrently by all parties under a limited, expedited timeline. Furthermore, Petitioners-Appellants believe that expanding the word counts beyond those prescribed by C.A.R. 28(g)(1) would be in conflict with the expedited nature of this case and necessity to resolve the matters as quickly as possible.

1. Final order on appeal & this Court’s jurisdiction

Petitioners seek review of the “Final Order” issued by Denver District Court Judge Sarah B. Wallace in 2023 CV 32577 and entered on November 17, 2023, which has been attached to this application. The lower court’s Final Order resolved all issues pending before it and is final for all parties for purposes of appeal pursuant to C.R.C.P. Rule 54(b). No posttrial relief has been sought by any party.

This Court has direct jurisdiction to review this matter under § 1-1-113(3) C.R.S.

2. Issues to be appealed

Petitioners-Appellants request this Court review the following issue:

Did the district court commit reversible error in ruling that Section 3 of the Fourteenth Amendment, which disqualifies people who engaged in insurrection against the Constitution after taking an oath to support the Constitution, does not apply to Presidents who engage in insurrection or to insurrectionists wanting to be President?

3. Transcripts

Transcripts of the hearing from the dates October 20, 2023 through November 3, 2023, as well as November 15, 2023, will be necessary for this Court's review, were taken contemporaneously with the proceedings, and have previously been provided to all parties. They have been attached as Exhibits B through F of Petitioner's opening brief.

4. Court & Counsel for the parties

Undersigned counsel certifies that the following court and all parties will be noticed and served via the Colorado Courts E-Filing System:

Hon. Sarah B. Wallace
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Respondent Jena Griswold, in her official capacity as the Colorado Secretary of State

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Intervenor Donald J. Trump

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Date: November 20, 2023 Respectfully submitted,

/s/ Jason Murray _____

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