

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 9, 2008

"Slip opinions" are the opinions as filed by the judges with the clerk. Slip opinions are subject to modification, rehearing, withdrawal, or clerical corrections. A link to any modifications to previously posted opinions will appear in the petition for rehearing section of the announcement document the day the changes are announced.

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OPINIONS

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Original Proceeding Pursuant to C.A.R. 21 District Court, City and County of Denver Case No. 06CV9591 Honorable John W. Madden, IV, Judge</p>	<p>Case No. 07SA296</p>
<p>In Re:</p> <p>Defendants:</p> <p>KEVIN O'DONNELL and RENEE BRYANT,</p> <p>v.</p> <p>Plaintiff:</p> <p>STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY.</p> <p style="text-align:center">RULE MADE ABSOLUTE EN BANC</p> <p>CHIEF JUSTICE MULLARKEY delivered the Opinion of the Court.</p>	

[Case No. 08SA40](#)

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Interlocutory Appeal from the District Court
Adams County, Case No. 07CR2498
Honorable C. Vincent Phelps, Judge

Plaintiff-Appellant:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Defendant-Appellee:

YVONNE MARIE GOTHARD.

Order REVERSED
EN BANC

JUSTICE MARTINEZ delivered the Opinion of the Court.

[Case No. 07SC223](#)

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals
Court of Appeals No. 05CA1884

Petitioner:

ALLAN J. ROBBINS,

v.

Respondent:

A. B. GOLDBERG.

JUDGMENT REVERSED
EN BANC

JUSTICE RICE delivered the Opinion of the Court.

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 04CA2344</p>	<p>Case No. 06SC330</p>
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Petitioner:

BP AMERICA PRODUCTION COMPANY, f/k/a AMOCO PRODUCTION COMPANY,

v.

Respondents:

DAVID PATTERSON, PHILIP MCCOY, DONALD KANZLER, and SHIRLEY KANZLER.

JUDGMENT REVERSED AND REMANDED
EN BANC

JUSTICE COATS delivered the Opinion of the Court.

JUSTICE MARTINEZ does not participate.

[Case No. 06SC597](#)

SUPREME COURT, STATE OF COLORADO
 Two East 14th Avenue
 Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals
 Court of Appeals Case No. 03CA1982

Petitioner:

JANINE BLOOM,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

JUDGMENT AFFIRMED
 EN BANC

JUSTICE EID delivered the Opinion of the Court.

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PETITIONS FOR REHEARING

[Case No. 07SA191](#)

SUPREME COURT, STATE OF COLORADO
 Two East 14th Avenue
 Denver, Colorado 80203

Original Proceeding Pursuant to C.A.R. 21
 District Court, City and County of Denver,
 Case No. 05CR5882
 Honorable Anne Mansfield, Judge

In Re:

Plaintiff:

the people of the state of colorado,

v.

Defendant:

marvin richardson.

Petitions for Rehearing DENIED. EN BANC.
JUSTICE MARTINEZ would grant the Petitions.
JUSTICE BENDER does not participate.

PETITIONS FOR WRIT OF CERTIORARI

No. 08SC28
Court of Appeals Case No. 06CA0560 (11/29/07)

Petitioner:
COPPER MOUNTAIN, INC.,
v.

Respondents:
INDUSTRIAL SYSTEMS, INC. and AMAKO RESORT CONSTRUCTION (U.S.), INC.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in ruling a waiver of subrogation provision in an American Institute of Architects ("AIA") form contract barred all of owner-plaintiff's claims, thereby creating a conflict with another decision of the court of appeals, Town of Silverton v. Phoenix Heat Source System, Inc., 948 P.2d 9 (Colo. App. 1997), which held the waiver provision barred only claims for damages to the "Work" required to be insured by the owner under the contract.

No. 08SC33
Court of Appeals Case No. 06CA0075 (10/4/07)

Petitioner:
WARREN M. WOELLHAF,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE MULLARKEY would grant as to the following issue:

In Colorado, is a sentence the sanction imposed for each separate, individual offense, or does Colorado follow the federal sentencing-package doctrine?

No. 08SC34
Court of Appeals Case No. 06CA1089 (11/15/07)

Petitioner:

JEFFREY DUBOIS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

Whether a deputy sheriff and Alamosa County are "victims" as defined by section 18-1.3-602(4)(a), C.R.S. (2007) of the defendant's crime of vehicular eluding where the deputy was involved in a single car accident while en route to respond to another deputy's call for assistance, resulting in losses to herself and the county.

DENIED AS TO ALL OTHER ISSUES.

No. 08SC172
Court of Appeals Case No. 06CA1602 (1/17/08)

Petitioner:

CARL A. DOUGHTY,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC337
Court of Appeals Case No. 07CA2141 (4/10/08)

Petitioner:

NORTHERN CHEYENNE TRIBE,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO,

In the Interest of D.I.N., a child,
and

Intervenors-Appellees:

C.L. and V.L.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MARTINEZ would grant as to the following issues:

Whether a party who seeks to remove a child from parental custody has a duty to make a specific inquiry at the commencement of the proceedings regarding whether the child is a member of, or eligible for membership in, an Indian tribe or tribes.

Whether, without a specific initial inquiry into a child's Indian status, a trial court may find that there is no reason to believe that a given tribe is not a "potentially concerned tribe" with a right to notice.

Whether a removing party has a duty to make continuing inquiries to identify any particular tribal affiliation of a child once he or she has been determined to be Indian.

Whether, where a child is eligible for membership in two or more Indian tribes, once one tribe asserts that the child is eligible for membership the duty of the removing party to provide notice to other potentially concerned tribes is obviated.
