

*ANNOUNCEMENTS*  
*COLORADO SUPREME COURT*  
*MONDAY, SEPTEMBER 15, 2008*

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"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

NONE

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PETITIONS FOR REHEARING

NONE

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PETITIONS FOR WRIT OF CERTIORARI

No. 08SC185

Court of Appeals No. 06CA0733

**Petitioners:**

ANTHONY LOBATO, as an individual and as parent and natural guardian of Taylor Lobato and Alexa Lobato; DENISE LOBATO, as an individual and as parent and natural guardian of Taylor Lobato and Alexa Lobato; JAIME HURTADO and CORALEE HURTADO, as individuals and as parents and natural guardians of Maria Hurtado and Evan Hurtado; JANET L. KUNTZ, as an individual and as parent and natural guardian of Daniel Kuntz and Stacey Kuntz; PANTALEÓN VILLAGOMEZ and MARIA VILLAGOMEZ, as individuals and as parents and natural guardians of Chris Villagomez, Monique Villagomez and Angel Villagomez; LINDA WARSH, as an individual and as parent and natural guardian of Adam Warsh, Karen Warsh and Ashley Warsh; ELAINE GERDIN, as an individual and as parent and natural guardian of N.T., J.G. and N.G.; DAWN HARTUNG, as an individual and as parent and natural guardian of Q.H.; PAUL LASTRELLA, as an individual and as parent and natural guardian of B.L.; WOODROW LONGMIRE, as an individual and as parent and natural guardian of Tianna Longmire; STEVE SEIBERT and DANA SEIBERT, as individuals and as parents and natural guardians of Rebecca Seibert and Andrew Seibert; OLIVIA WRIGHT, as an individual and as parent and natural guardian of A.E. and M.E.; HERBERT CONBOY and VICTORIA CONBOY, as individuals and as parents and natural guardians of Tabitha Conboy and Timothy Conboy; TERRY HART, as an individual and as parent and natural guardian of

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Katherine Hart; LARRY HOWE-KERR and KATHY HOWE-KERR, as individuals and as parents and natural guardians of Lauren Howe-Kerr and Luke Howe-Kerr; JOHN T. LANE, as an individual; JENNIFER PATE, as an individual and as parent and natural guardian of Ethan Pate and Evelyn Pate; ROBERT L. PODIO and BLANCHE J. PODIO, as individuals and as parents and natural guardians of Robert Podio and Samantha Podio; TAMI QUANDT, as an individual and as parent and natural guardian of Brianna Quandt, Cody Quandt and Levi Quandt; BRENDA CHRISTIAN, as an individual and as parent and natural guardian of Ryan Christian; TONI L. MCPEEK, as an individual and as parent and natural guardian of M.J. McPeek, Cassie McPeek and Michael McPeek; CHRISTINE TIEMANN, as an individual and as parent and natural guardian of Emily Tiemann and Zachary Tiemann; PAULA VANBEEK, as an individual and as parent and natural guardian of Kara VanBeek and Antonius VanBeek; LARRY HALLER and PENNIE HALLER, as individuals and as parents and natural guardians of Kelly Haller and Brandy Haller; TIM HUNT and SABRINA HUNT, as individuals and as parents and natural guardians of Shannon Moore-Hiner, Eris Moore, Darean Hunt and Jeffrey Hunt; MIKE MCCALED and JULIE MCCALED, as individuals and as parents and natural guardians of Rebekka McCaleb, Layne McCaleb and Lynde McCaleb; TODD THOMPSON and JUDY THOMPSON, as individuals and as parents and natural guardians of Garson Thompson and Tarek Thompson; DOUG VONDY and DENISE VONDY, as individuals and as parents and natural guardians of Kyle Leaf and Hannah Vondy; BRAD WEISENSEE and TRACI WEISENSEE, as individuals and as parents and natural guardians of Joseph Weisensee, Anna Weisensee, Amy Weisensee and Elijah Weisensee; STEPHEN TOPPING, as an individual and as parent and natural guardian of Michael Topping; DONNA WILSON, as an individual and as parent and natural guardian of Ari Wilson, Sarah Patterson, Madelyn Patterson and Taren Wilson-Patterson; DAVID MAES, as an individual and as parent and natural guardian of Cherie Maes; DEBBIE GOULD, as an individual and as parent and natural guardian of Hannah Gould, Ben Gould and Daniel Gould; LILLIAN LEROUX, as an individual and natural guardian of Ari Leroux, Lillian Leroux, Ashley Leroux, Alexandria Leroux and Amber Leroux; THERESA WRANGHAM, as an individual and natural guardian of Rachel Wrangham and Deanna Wrangham; ALAMOSA SCHOOL DISTRICT, NO. RE-11J; CENTENNIAL SCHOOL DISTRICT NO. R-1; CENTER CONSOLIDATED SCHOOL DISTRICT NO. 26 JT, of the Counties of Saguache and Rio Grande and Alamosa; CREEDE CONSOLIDATED SCHOOL DISTRICT NO. 1 in the County of Mineral and State of Colorado; DEL NORTE CONSOLIDATED SCHOOL DISTRICT NO. C-7; MOFFAT SCHOOL DISTRICT NO. 2, in the County of Saguache and State of Colorado; MONTE VISTA SCHOOL DISTRICT NO. C-8; MOUNTAIN VALLEY SCHOOL DISTRICT NO. RE 1; NORTH CONEJOS SCHOOL DISTRICT NO. RE-1J; SANFORD SCHOOL DISTRICT NO. 6, in the County of Conejos and State of Colorado; SANGRE DE CRISTO SCHOOL DISTRICT, NO. RE-22J; SARGENT SCHOOL DISTRICT

*ANNOUNCEMENTS*  
*COLORADO SUPREME COURT*  
*MONDAY, SEPTEMBER 15, 2008*

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NO. RE-33J; SIERRA GRANDE SCHOOL DISTRICT NO. R-30; and SOUTH CONEJOS  
SCHOOL DISTRICT NO. RE10,  
v.

**Respondents:**

THE STATE OF COLORADO; THE COLORADO STATE BOARD OF EDUCATION; DWIGHT  
JONES, in his official capacity as Commissioner of Education of the  
State of Colorado; and BILL RITTER, in his official capacity as  
Governor of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals erred in holding that claims regarding  
educational quality and adequacy of school funding brought pursuant to  
article IX, section 2 of the Colorado Constitution (the Education  
Clause) present nonjusticiable political questions.

Whether the court of appeals erred in holding that the school  
districts do not have standing to bring suit under article IX, section  
15, of the Colorado Constitution (the Local Control Clause)  
challenging the constitutionality of the Colorado system of public  
school finance.

DENIED AS TO ALL OTHER ISSUES.

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No. 08SC294  
Court of Appeals Case No. 06CA0246

**Petitioner:**

BA MORTGAGE, LLC,  
v.

**Respondent:**

QUAIL CREEK CONDOMINIUM ASSOCIATION, INC.

Petition for Writ of Certiorari DENIED. EN BANC.  
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*ANNOUNCEMENTS  
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No. 08SC307

Jefferson County District Court Case No. 07CV530

**Petitioner:**

GABRIEL ESPARZA,

v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.  
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No. 08SC402

Court of Appeals Case No. 06CA2401

**Petitioner:**

ADAN A. GONZALES,

v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BENDER would grant as to the following issue:

Whether the court of appeals erred by failing to give proper deference to the trial court's findings.  
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No. 08SC407

Court of Appeals Case No. 06CA1112

**Petitioner:**

GABRIEL CHACON,

v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.  
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No. 08SC426

Court of Appeals Case No. 05CA2579

**Petitioner:**

BILLY LEE LONGORIA,

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:

Whether the trial court's error of repeatedly admitting similar and uncharged misconduct against the defendant, coupled with the trial court's failure to provide adequate limiting instructions, requires reversal of petitioner's convictions.

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No. 08SC430

Court of Appeals Case No. 07CA0098

**Petitioner:**

RONALD KELLY YOUNG,

v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 08SC452

Court of Appeals Case No. 06CA2570

**Petitioner:**

J.H. NARDIS,

v.

**Respondents:**

CLIENTS' CHOICE REALTY, LLC, d/b/a KELLER WILLIAMS CLIENTS' CHOICE REALTY, a Colorado limited liability company; DONNETTE VINCENT; and KIMBERLY BUTLER.

Petition for Writ of Certiorari DENIED. EN BANC.  
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