ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

"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 case number to view the opinion in pdf format.

OPINIONS

SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203 Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 07CA1054	Case No. 08SC698

Petitioner:

The Board of County Commissioners of the County of Rio Blanco, State of Colorado,

v.

Respondent:

ExxonMobil Oil Corporation.

JUDGMENT AFFIRMED WITHOUT OPINION
EN BANC

PER CURIAM.
JUSTICE COATS does not participate.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203 Original Proceeding Pursuant to C.A.R. 21 Adams County District Court, Case No. 08CR3568 Honorable Mark Warner, Judge	Case No. 09SA182
In Re: **Plaintiff:** People of the State of Colorado, v. **Defendant:** Johnathan Nichelson.	
RULE MADE ABSOLUTE EN BANC JUSTICE MARTINEZ delivered the Opinion of the Court.	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

PETITIONS FOR REHEARING

SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203 Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 07CA1263	Case No. 08SC587
Petitioners: David H. Currier and Heather S. Schultz, v. **Respondents:** Michael Sutherland, Special Administrator of the Estate of Eloy Lopez; Estate of Eloy Lopez; and State Farm Mutual Automobile Insurance Company.	
Petition for Rehearing DENIED. EN BANC.	

PETITIONS FOR WRIT OF CERTIORARI

No. 09SC394
Court of Appeals Case No. 07CA1317

Petitioners:
New Horizons Electric, Inc.; Rakhra Mushroom Farm Corporation; Don Clair; New Concepts Realty, Inc.; Charles E. Blood; Pare Surgical, Inc.; MM Whaley, Inc., d/b/a Service Master of Downtown; Business Service Systems; Karen Marquez; SQV Technologies, Inc.; and Harold Lavern Sullivan,
v.
Respondents:
IFC Credit Corporation, a/k/a IFC Credit Corporation; Popular Leasing, U.S.A. Inc.; Studebaker-Worthington Leasing Corporation; Wells Fargo Financial Leasing, Inc.; National City Commercial Capital Corporation, d/b/a Information Leasing Corporation; and Sterling National Bank.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC483
Court of Appeals Case No. 07CA1971

In the Matter of Minor Child:
D.I.S.,
and
Petitioners:
Alan Sidman and Sheryl Sidman,
v.
Respondents:
Michael Sidman and Renee Sidman.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether a parent relinquishes his or her fundamental liberty interest in the care, custody, and control of his or her child by consenting to guardianship.

Whether it was error to place the burden upon parents to prove, by a preponderance of the evidence, that termination of non-parents' guardianship would be in the best interests of minor child, where parents originally consented to the guardianship.

DENIED AS TO ALL OTHER ISSUES.

No. 09SC501
Adams County District Court Case No. 08CV2190

Petitioner:
Donetta Zach,
v.
Respondent:
Woodglen Square Homeowners Association, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC507
Court of Appeals Case No. 05CA2084

Petitioner:
James Vernell Bryant,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC536
Court of Appeals Case No. 08CA1069

Petitioners:
Specialty Restaurants Corp. and Colorado Insurance Guaranty Association, c/o Western Guaranty Fund Services,
v.
Respondents:
Stephanie Nelson and Industrial Claim Appeals Office 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 the 2007 amendment to section 8-43-406(2), C.R.S., which increased the aggregate maximum lump sum payment available to a workers' compensation claimant, applied to a claimant whose injury occurred prior to the amendment.

Whether the court of appeals erred in failing to apply the presumption that a prior judicial interpretation of a statutory provision is adopted by the legislature when that same statutory provision is amended.

DENIED AS TO ALL OTHER ISSUES.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC586
Court of Appeals Case No. 07CA1581

Petitioners/Cross-Respondents:
Benchmark/Elite, Inc., and Colorado Insurance Guaranty Association,
v.
Respondent/Cross-Petitioner:
Richard Simpson,
and
Respondent:
Industrial Claim Appeals Office of the State of Colorado.

Petition for Writ of Certiorari GRANTED. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in remanding for a determination on the claimant's "time of disablement" for the purpose of setting the applicable statutory limit on claimant's Workers' Compensation benefits.

DENIED AS TO ALL OTHER ISSUES.

No. 09SC609
Court of Appeals Case No. 08CA1310

Petitioner:
Elton Deville,
v.
Respondent:
Michael J. Eddy, MD.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC610
Court of Appeals Case No. 07CA1018

Petitioner:
Robert F. Willner,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC623
El Paso County District Court Case No. 08CV6700

Petitioner:
Angela Marie Coleman,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC646
Court of Appeals Case No. 08CA0358

Petitioner:
Jeannene L. Sullivan,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC651
Court of Appeals Case No. 07CA0674

Petitioner:
Scott Rudy Lobato,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC653
Court of Appeals Case No. 07CA0621

Petitioner:
Richard Harris Grissom,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC670
Court of Appeals Case No. 07CA1415

Petitioner:
Santos A. Perez,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC678
Court of Appeals Case No. 08CA0514

Petitioner:
Kendra Sheree Hooks,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC684
Court of Appeals Case No. 08CA2084

Petitioner:
Jacob Ind,
v.
Respondent:
Warden, Limon Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC692
Court of Appeals Case No. 07CA0737

Petitioner:
John Alexander Archuleta,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC694
Court of Appeals Case No. 08CA1555

Petitioner:
Aaron Dean Franson,
v.
Respondents:
Colorado Department of Revenue, Motor Vehicle Division and Richard T. Carrol.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC698
Court of Appeals Case No. 08CA1825

Petitioner:
Kwi Yi,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC705
Court of Appeals Case No. 08CA1668

Petitioner:
Raul Chavez,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC711
Court of Appeals Case No. 08CA1279

Petitioner:
Amel Joseph Olier,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC712
Court of Appeals Case No. 08CA0504

Petitioner:
Samuel Kingman Lincoln,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC713
Court of Appeals Case No. 08CA0973

Petitioner:
Matthew Gene Wartena,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC714
Court of Appeals Case No. 09CA0091

Petitioner:
Bethanie Franks,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC715
Court of Appeals Case No. 08CA0647

Petitioner:
Donald Richard Solberg,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC716
Court of Appeals Case No. 08CA0694

Petitioner:
Joseph Keith Hinton,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC733
Court of Appeals Case No. 08CA1012

Petitioner:
Darrell Newson,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC735
Court of Appeals Case No. 08CA0876

Petitioner:
William C. Johnson,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC738
Court of Appeals Case No. 07CA2093

Petitioner:
Bradley G. Pacheco,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC739
Court of Appeals Case No. 07CA0207

Petitioner:
Windell Maurice Weaver,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC744
Court of Appeals Case No. 08CA0108

Petitioner:
Casey Randolph Burt,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC747
Court of Appeals Case No. 07CA2557

Petitioner:
Victor Dean Frazier,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, NOVEMBER 9, 2009

No. 09SC748
Court of Appeals Case No. 07CA2509

Petitioner:
Julie Melissa Klassen,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC749
Court of Appeals Case No. 07CA2094

Petitioner:
Sarah Dorothy Coyner,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC769
Court of Appeals Case No. 08CA2179

Petitioner:
City of Colorado Springs,
v.
Respondents:
Steven Bennett and Industrial Claim Appeals Office.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in remanding for a determination on the claimant's "time of disablement" for the purpose of setting the applicable statutory limit on claimant's Workers' Compensation benefits.

DENIED AS TO ALL OTHER ISSUES.