

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011

"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

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Original Proceeding Pursuant to C.A.R. 21 Arapahoe County District Court Case No. 06CR697 Honorable Gerald J. Rafferty, Judge</p>	<p><u>Case No. 10SA341</u></p>
<p>In Re:</p> <p>Plaintiff:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Defendant:</p> <p>Robert Keith Ray.</p>	
<p style="text-align:center">RULE MADE ABSOLUTE EN BANC</p> <p>CHIEF JUSTICE BENDER delivered the Opinion of the Court. JUSTICE COATS concurs in part and dissents in part, JUSTICE RICE and JUSTICE EID join in the concurrence and dissent.</p>	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Interlocutory Appeal from the District Court Pueblo County District Court Case No. 09CR1595 Honorable Jill S. Mattoon, Judge</p>	<p><u>Case No. 10SA367</u></p>
<p>Plaintiff-Appellant:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Defendant-Appellee:</p> <p>Frank Daniel Glick, II.</p>	
<p style="text-align:center">ORDER REVERSED EN BANC</p> <p>CHIEF JUSTICE BENDER delivered the Opinion of the Court.</p>	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 08CA1969</p>	<p><u>Case No. 09SC840</u></p>
<p>Petitioner:</p> <p>South Fork Water and Sanitation District,</p> <p>v.</p> <p>Respondent:</p> <p>Town of South Fork, Colorado.</p>	
<p style="text-align:center">JUDGMENT AFFIRMED EN BANC</p> <p>JUSTICE HOBBS delivered the Opinion of the Court. JUSTICE EID dissents, and JUSTICE COATS joins in the dissent.</p>	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011

PETITIONS FOR REHEARING

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 07CA1001</p>	<p>Case No. 09SC828</p>
<p>Petitioner:</p> <p>David Lee Cropper,</p> <p>v.</p> <p>Respondent:</p> <p>The People of the State of Colorado.</p>	
<p>Petition for Rehearing DENIED. EN BANC. CHIEF JUSTICE BENDER and JUSTICE MARTINEZ would grant the Petition.</p>	

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011*

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Appeal from the District Court Water Division 1, Case No. 09CW175 Honorable James F. Hartmann, Judge</p>	<p>Case No. 10SA92</p>
<p>Plaintiffs-Appellants:</p> <p>Elmer A. Kobobel, Mariam M. Kobobel, Larry A. Kobobel, Glen D. Kobobel, David A. Knievel, and Margery A. Knievel,</p> <p>v.</p> <p>Defendants-Appellees:</p> <p>State of Colorado, Department of Natural Resources, Division of Water Resources; Dick Wolfe, P.E., in his capacity as the Colorado State Engineer; and James R. Hall, in his capacity as Division Engineer of Water Division No. 1.</p>	
<p>Petition for Rehearing DENIED. EN BANC. JUSTICE EID would grant the Petition.</p>	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011

PETITIONS FOR WRIT OF CERTIORARI

No. 10SC747

Court of Appeals Case No. 08CA2071

Petitioner/Cross-Respondent:

The People of the State of Colorado,
v.

Respondent/Cross-Petitioner:

Spencer Klinton Smith.

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 holding that the defendant was
entitled to have the jail component of his sentence to probation
reduced by the period of his presentence confinement, and whether it
erred in ordering modification of the defendant's mittimus rather than
permitting the trial court to resentence him.

DENIED AS TO ALL OTHER ISSUES.

No. 10SC794

Court of Appeals Case No. 09CA1350

Petitioner:

Rudolph Matthew Candelaria,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the trial court erroneously reached its sexually violent
predator finding without making the scienter finding that is
specifically required by People v. Stead, 66 P.3d 117 (Colo. App.
2002).

DENIED AS TO ALL OTHER ISSUES.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 25, 2011

No. 10SC806
Court of Appeals Case No. 07CA1782

Petitioner:

Juan G. Loyas,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC851
Court of Appeals Case No. 10CA1247

Petitioner:

Robert Keith Ray,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC16
El Paso County District Court Case No. 10CV6299

Petitioner/Cross-Respondent:

Landmark Motors, Inc.,
v.

Respondents/Cross-Petitioners:

William and Tara Wallace.

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