

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 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>Interlocutory Appeal from the District Court Pitkin County District Court Case No. 08CR22 Honorable James Berkley Boyd, Judge</p>	<p><u>Case No. 10SA304</u></p>
<p>Plaintiff-Appellant:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Defendant-Appellee:</p> <p>Devin Wallace Schutter.</p>	
<p style="text-align:center">ORDER AFFIRMED EN BANC</p> <p>JUSTICE COATS delivered the Opinion of the Court. JUSTICE EID dissents.</p>	

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 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><u>Case No. 10SA92</u></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 style="text-align:center">JUDGMENT AFFIRMED EN BANC</p> <p>JUSTICE MÁRQUEZ delivered the Opinion of the Court. JUSTICE EID dissents.</p>	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Interlocutory Appeal from the County Court Arapahoe County Court Case No. 10M1127 Honorable Anne Ollada, Judge</p>	<p><u>Case No. 10SA274</u></p>
<p>Plaintiff-Appellant:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Defendant-Appellee:</p> <p>David Harold Shackley.</p>	
<p style="text-align: center;">ORDER REVERSED EN BANC</p> <p>JUSTICE MÁRQUEZ delivered the Opinion of the Court.</p>	

PETITIONS FOR REHEARING

NONE

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

PETITIONS FOR WRIT OF CERTIORARI

No. 10SC187

Court of Appeals No. 08CA2009

Petitioners/Cross-Respondents:

Betty G. Amos and The Estate of Thomas R. Righetti,
v.

Respondent/Cross-Petitioner:

Aspen Alps 123, LLC,
and

Respondent:

Equitable Bank.

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

Summary of Issues:

Whether the court may award the foreclosed property to one of the
conspirators rather than void the sale when bidders at a public
foreclosure sale conspired to rig the bidding in violation of the
Colorado Antitrust Act and the resulting deed is void.

Whether a foreclosing bank's material failure to comply with C.R.C.P.
120's requirements to identify and give notice to all interested
parties voids the resulting foreclosure sale.

DENIED AS TO ALL OTHER ISSUES.

No. 10SC520

Court of Appeals Case No. 08CA2672

Petitioners:

Suzanne Webel; Raymond P. Bovet; Europamark, Inc., a Colorado
corporation; and Blackhawk Venture Equity Partners, LLC, a Colorado
limited liability company,
v.

Respondents:

Arthur C. Darrow and Darlene M. Darrow, trustees, u/d/t dated October
4, 1993, f/b/o The Darrow Family Trust.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 10SC711
Court of Appeals Case No. 09CA1690

Petitioner:

Steward Software Company, LLC,
v.

Respondent:

Richard Kopcho.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred by holding that a defendant accused of civil theft under Colorado law was entitled to a jury instruction on federal copyright ownership.

DENIED AS TO ALL OTHER ISSUES.

No. 10SC765
Court of Appeals Case No. 09CA900

Petitioner:

Portercare Adventist Health System, d/b/a Porter Hospital,
v.

Respondent:

Robert T. Lego.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals improperly construed C.R.S. section 13-80-103.5, which states that "[a]ll actions to recover a liquidated debt or an unliquidated, determinable amount of money . . . " must be filed within six-years, to apply only if a written contract exists or there was an agreed upon formula.

Whether the court of appeals erred when it refused to remand the case to the trial court for an accrual determination when accrual was never litigated under the standard applicable to a breach of contract claim.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011*

No. 10SC767
Court of Appeals Case No. 08CA1385

Petitioner:

Mario Antonio Vigil,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC790
Court of Appeals Case No. 09CA40

Petitioner:

Juan Howell,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 10SC791
Court of Appeals Case No. 07CA2380

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Brent Stafford Rouse.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC801
Elbert County District Court Case No. 09CV274

Petitioner:

Robert Mark Bell,
v.

Respondent:

Kelly Air Park Association, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 10SC846
Court of Appeals Case No. 08CA2055

Petitioner:

Long Ba Phan,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC860
Court of Appeals Case No. 09CA1641

Petitioner:

Patrick Suchaiya,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 10SC870
Court of Appeals Case No. 09CA1104

Petitioner:

Christopher Martin Lane,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC872
Court of Appeals Case No. 08CA2289

Petitioner:

Patrick Joseph McGee,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 10SC875
Court of Appeals Case No. 09CA2117

Petitioner:

Charles Shirley, Jr.,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC880
Court of Appeals Case No. 09CA1837

Petitioner:

Shane D. Burden,
v.

Respondent:

Bernard Vonfeldt, #884 Westminster Police Officer.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 11SC7
Court of Appeals Case No. 09CA194

Petitioner:

William Hoover,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC9
Court of Appeals Case No. 10CA438

Petitioner:

Rent Club Inc.,
v.

Respondents:

David S. Fine and Industrial Claim Appeals Office of the State of
Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 11SC14
Court of Appeals Case No. 09CA1281

Petitioner:

Shawn Eugene Lovett,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC15
Court of Appeals Case No. 07CA2362

Petitioner:

Bikram Bihari Mishra,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC23
Court of Appeals Case No. 10CA1231

Petitioner:

Charles Sanchez,
v.

Respondents:

Lupe Aldrich and La Plata County Child Support Enforcement Unit.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC34
Court of Appeals Case No. 09CA681

Petitioner:

Christopher Lee Molina-Chagollo,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 11SC38
Court of Appeals Case No. 08CA1440

Petitioner:

Stanley Paul Jurgeovich,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC40
Court of Appeals Case No. 09CA683

Petitioner:

Maria Dora Garcia,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC42
Court of Appeals Case No. 08CA2123

Petitioner:

Jereme Lamberth,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC43
Court of Appeals Case No. 09CA555

Petitioner:

Robert Kuhnle,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 11SC48
Court of Appeals Case No. 09CA2456

Petitioner:

Simon Peter Martinez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC54
Court of Appeals Case No. 09CA782

Petitioner:

Kean Kosek,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC58
Court of Appeals Case No. 09CA613

Petitioner:

Samuel Valoys Martinez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC68
Court of Appeals Case No. 08CA2312

Petitioner:

Eugene R. Avila,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 28, 2011

No. 11SC69
Court of Appeals Case No. 09CA1562

Petitioner:

Rudolph Chavez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC70
Court of Appeals Case No. 09CA2083

Petitioner:

Gregory Beck,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC71
Court of Appeals Case No. 08CA829

Petitioner:

Phillip James Martinez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC120
Court of Appeals Case No. 09CA2647

Petitioner:

The People of the State of Colorado,
In the Interest of Minor Child:
D.A.,
and Concerning,

Respondents:

C.A. and C.K.

Petition for Writ of Certiorari DENIED. EN BANC.
