CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 25, 2012

"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 of the State of Colorado
101 West Colfax Avenue, Suite 800 • Denver, Colorado 80202

2012 CO 49

Supreme Court Case No. 10SC832
Certiorari to the Court of Appeals
Court of Appeals Case No. 09CA58

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Nicolette Padilla-Lopez.

Judgment Affirmed
en banc

JUSTICE HOBBS delivered the Opinion of the Court.
JUSTICE EID dissents, and **JUSTICE COATS** and **JUSTICE BOATRIGHT** join in the dissent.

Supreme Court of the State of Colorado
101 West Colfax Avenue, Suite 800 • Denver, Colorado 80202

2012 CO 50

Supreme Court Case No. 11SC210
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 08CA1867

Petitioners:

Accident and Injury Medical Specialists, P.C.; Elite Chiropractic Care, Inc.; Physical Therapy, Inc.; Myocare, Inc.; A Shi Acupuncture, Inc.; Comprehensive Diagnostic Services, Inc.; Mile High Medical Group, L.L.C.; and Global Physician Services, P.C.,

v.

Respondent:

David J. Mintz.

Judgment Affirmed
en banc

JUSTICE HOBBS delivered the Opinion of the Court.

Supreme Court of the State of Colorado
101 West Colfax Avenue, Suite 800 • Denver, Colorado 80202

2012 CO 51

Supreme Court Case No. 12SA78
Interlocutory Appeal from the District Court
Arapahoe County District Court Case No. 09CR2725
Honorable Carlos Samour, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Erick Wozbely Figueroa-Ortega.

Judgment Reversed
en banc

JUSTICE COATS delivered the Opinion of the Court.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 25, 2012

Supreme Court of the State of Colorado
101 West Colfax Avenue, Suite 800 • Denver, Colorado 80202

2012 CO 52

Supreme Court Case No. 10SC532
Certiorari to the Colorado Court of Appeals
Colorado Court of Appeals Case No. 09CA1195

Petitioners:

Colorado Oil and Gas Conservation Commission; and David Neslin, in his official capacity as Acting Director of the Colorado Oil and Gas Conservation Commission,

v.

Respondents:

Grand Valley Citizens' Alliance; Cary Weldon; Ruth Weldon; Wesley Kent; Marcia Kent; and Western Colorado Congress.

Judgment Reversed
en banc

JUSTICE EID delivered the Opinion of the Court.
JUSTICE HOBBS dissents.

Supreme Court of the State of Colorado
101 West Colfax Avenue, Suite 800 • Denver, Colorado 80202

2012 CO 53

Supreme Court Case No. 11SA164
Appeal from the District Court
District Court, City and County of Denver, Case No. 09CV8968
Honorable Herbert L. Stern III, Judge

Petitioner-Appellant:

Leslie W. Glustrom,

v.

Respondent-Appellee:

Colorado Public Utilities Commission,

and

Intervenor:

Public Service Company of Colorado.

Judgment Affirmed
en banc

JUSTICE EID delivered the Opinion of the Court.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 25, 2012

PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 11SC749
Court of Appeals Case No. 10CA709

Petitioners:
Alan Ellis, Dependable Drywall LLC, and Scott Thomas Rayl,
v.
Respondent:
Holly Speaks.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 25, 2012

No. 11SC750
Court of Appeals Case No. 06CA1875

Petitioner/ Cross-Respondent:
People of the State of Colorado,
v.
Respondent/ Cross-Petitioner:
Angelo Emilio Montoya.

Petition and Cross-Petition for Writ of Certiorari GRANTED, and the judgment of the Colorado Court of Appeals is vacated. The case is remanded to the Colorado Court of Appeals for reconsideration in light of Riley v. People, 266 P.3d 1089 (Colo. 2011). EN BANC.

JUSTICE COATS would grant as to the following issues:

Whether the court of appeals incorrectly determined that the defendant was entitled to a "multiple assailants" instruction where: (1) the self-defense instruction did not limit the scope of the defense to a single victim; (2) the instructions as a whole informed the jury of the defendant's "multiple assailants" theory of defense; and (3) defense counsel's closing argument invited the jury to consider multiple assailants.

Assuming, arguendo, that there was error, whether the court of appeals erred by effectively treating the omission as structural error requiring automatic reversal.

Whether Beckett v. People, 800 P.2d 74 (Colo. 1990), altered the holding of People v. Jones, 675 P.2d 9 (Colo. 1984), such that a self-defense instruction, standing alone, would be sufficient.

JUSTICE BOATRIGHT does not participate.

No. 11SC776
Court of Appeals Case No. 08CA793

Petitioner:
Terry Eugene Owen,
v.
Respondent:
People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 25, 2012

No. 11SC800
District Court, City and County of Broomfield, Case No. 10CV82

Petitioner:
Erick Michael Schmuckal,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

Nos. 11SC809 and 11SC894
Court of Appeals Case No. 10CA1859

Petitioner/Cross-Respondent:
Carl F. Manthei,
v.
Respondents:
AWH Corporation, a Delaware corporation; Hopeman Brothers, Inc., a Delaware corporation; and Lofton Corporation, a Delaware corporation;
and
Respondent/Cross-Petitioner:
Duane Morris LLP.

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

No. 11SC820
Court of Appeals Case No. 10CA1050

Petitioner:
Alex Homer Linzy,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 25, 2012

No. 11SC828
Court of Appeals Case No. 10CA2280

Petitioner:
State Farm Mutual Automobile Insurance Company,
v.
Respondent:
Lari Jourdon.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC851
Court of Appeals Case No. 08CA1973

Petitioner:
Anthony Lucero,
v.
Respondent:
People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC368
Court of Appeals Case No. 11CA1546

Petitioner:
A.B.,
and Concerning,
Respondent:
J.A.B.,
For the Adoption of a Child, S.T.W.

Petition for Writ of Certiorari DENIED. EN BANC.