

2011SC215 (1 HOUR)

**Petitioner:**

Ricardo Jaime Sanchez,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner Ricardo Jaime Sanchez:**

Joseph Paul Hough Deputy Public Defender  
Office of the Public Defender

**For the Respondent The People of the State of Colorado:**

Emmy Ashmus Langley Assistant Attorney General  
Office of the Attorney General

Certiorari to the Colorado Court of Appeals, 2008CA630

Docketed: March 28, 2011

At Issue: February 26, 2013

ISSUE(S):

Whether the court of appeals erred by affirming the trial court's denial of petitioner's motion to suppress his incriminating statements, and, if so, whether the error was harmless beyond a reasonable doubt.

Whether the court of appeals erred in relying on the 'three precepts' rule set forth in *People v. Al-Yousif*, 49 P.3d 1165 (Colo. 2002), to afford less weight to the advisement that an attorney will be appointed free of charge if the suspect is indigent.

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2011SC813 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

v.

**Respondents:**

\$11,200.00 U.S. Currency and Bradley Edward Strand.

**For the Petitioner The People of the State of Colorado:**

Scott William Storey  
Audrey Ellen Weiss  
1ST JUDICIAL DISTRICT ATTORNEY

**For the Respondent \$11,200.00 U.S. Currency:**

Mark Gregory Walta  
WALTA LLC

**For the Respondent Bradley Edward Strand:**

Mark Gregory Walta  
WALTA LLC

Certiorari to the Colorado Court of Appeals, 2010CA1805  
Docketed: November 9, 2011  
At Issue: February 8, 2013

ISSUE(S):

Whether the trial court lost subject matter jurisdiction in the in rem forfeiture proceeding when it distributed the personal property, \$11,200, pursuant to its unappealed final order.

Whether section 16-13-307(1.6), C.R.S. (2011), provides affirmative relief from an unappealed final order of forfeiture when a claimant's criminal conviction is overturned on appeal.

Whether, contrary to this court's holding in *Ahart v. Colorado Department of Corrections*, 964 P.2d 517, 520 (Colo. 1998), the court of appeals erred in holding that the exclusionary rule applies to civil forfeiture proceedings without conducting an analysis in this case utilizing the enumerated two-part balancing test.

Whether the court of appeals erred in holding that, for purposes of C.R.C.P. 60(b)(4), the civil forfeiture judgment was 'based on' the related criminal conviction when the civil forfeiture judgment was attained through a separate and full hearing on the merits, evidence of the criminal conviction was only one piece of evidence submitted at the hearing, and a criminal conviction is not required for a civil forfeiture judgment.

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2012SA312 (1 HOUR)

**Plaintiff:**

Coalition for Secular Government, a Colorado nonprofit corporation,

v.

**Defendant:**

Scott Gessler, in his official capacity as Colorado Secretary of State.

**For the Plaintiff Coalition for Secular Government, a Colorado nonprofit corporation:**

Allen Dickerson  
Center for Competitive Politics

**For the Defendant Scott Gessler, in his official capacity as Colorado Secretary of State:**

Maurice G Knaizer Deputy Attorney General  
DEPARTMENT OF LAW

and

Leeann Morrill Assistant Attorney General  
Matthew David Grove Assistant Attorney General  
Melody Mirbaba Assistant Attorney General  
Office of the Attorney General

**For Amicus Curiae Colorado Common Cause**

Martha Moore Tierney  
HEIZER, PAUL, GRUESKIN LLP

and

Jennifer Hutchinson Hunt  
HILL & ROBBINS PC

Docketed: October 31, 2012  
At Issue: February 4, 2013

ISSUE(S):

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2011SC926 (30 MINUTES)

**Petitioners:**

Harman-Bergstedt, Inc, d/b/a Kentucky Fried Chicken and  
Zurich American Insurance Company,

v.

**Respondents:**

Elaine Loofbourrow and Industrial Claim Appeals Office.

**For the Petitioner Harman-Bergstedt, Inc, d/b/a  
Kentucky Fried Chicken:**

Margaret Doerner Keck  
THOMAS POLLART & MILLER LLC

**For the Petitioner Zurich American Insurance  
Company:**

Margaret Doerner Keck  
THOMAS POLLART & MILLER LLC

**For the Respondent Industrial Claim Appeals Office:**

Industrial Claim Appeals Office  
Industrial Claim Appeals Office  
Pro Se

Certiorari to the Colorado Court of Appeals, 2010CA2176  
Docketed: December 16, 2011  
At Issue: January 30, 2013

ISSUE(S):

Whether a claimant who did not challenge a determination that she had reached maximum medical improvement of her work-related injury in an open case can obtain temporary total disability benefits where she has experienced a worsening of her original injury.

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2012SA196 (1 HOUR)

Concerning the Application for Water Rights of The City and County of Denver, Acting by and through its Board of Water Commissioners in Douglas, Arapahoe, Denver, Broomfield, Weld, Adams and Park Counties, Colorado.

**Applicant-Appellee:**

City and County of Denver,

v.

**Opposer-Appellant:**

City of Englewood,

and

**Opposers-Appellees:**

Arapahoe County Water and Wastewater Authority; Bear Creek Development Corporation; Bijou Irrigation Company; Bijou Irrigation District; Centennial Water and Sanitation District; Center of Colorado Water Conservancy District; City and County of Broomfield; City of Aurora; City of Commerce; City of Lakewood; City of Louisville; City of Thornton; City of Westminster; Consolidated Ditches of Water District No. 2; Coors Brewing Company; James R. Hall, Division Engineer; East Cherry Creek Valley Water and Sanitation District; Water Activity Enterprise, Inc.; Fairmount Cemetery Company; Farmers High Line Canal and Reservoir Company; Farmers Reservoir and Irrigation Company; Fulton Irrigation Ditch Company; Glenmoor Country Club; Henrylyn Irrigation District; New Brantner Extension Ditch Company; Northern Colorado Water Conservancy District; Parker Water & Sanitation District; Public Service Company of Colorado dba Excel Energy; Platte Valley Irrigation Company; Central Colorado Water Conservancy District; Hal D. Simpson, State Engineer; South Adams County Water and Sanitation District; South Suburban Park Recreation District; The City of Greeley; The Upper Cherry Creek Water Association; The Denver Country Club; City of Brighton; and United Water & Sanitation District.

**For the Applicant-Appellee City and County of Denver:**

Daniel John Arnold  
DENVER WATER  
and  
Casey S Funk  
DENVER WATER BOARD  
and  
Patricia L Wells  
DENVER WATER DEPARTMENT

**For the Opposer-Appellant City of Englewood:**

Jon N Banashek  
David Gower Hill  
Heidi C Potter  
BERG HILL GREENLEAF & RUSCITTI LLP  
and  
Ann Marie Rhodes  
BERG HILL GREENLEAF & RUSCITTI, LLP

**For the Opposer-Appellee Arapahoe County Water and Wastewater Authority:**

Stephen Thomas Williamson  
LAW OFFICE OF STEPHEN T. WILLIAMSON

**For the Opposer-Appellee Bear Creek Development Corporation:**

Thomas Neal George  
and  
Sheela S Stack  
William B Tourtillott  
RYLEY CARLOCK & APPLEWHITE

**For the Opposer-Appellee Bijou Irrigation Company:**

Michael Dean Shimmin  
VRANESH & RAISCH LLP  
and  
Stuart B Corbridge  
VRANESH AND RAISCH, LLP

**For the Opposer-Appellee Bijou Irrigation District:**

Michael Dean Shimmin  
VRANESH & RAISCH LLP  
and  
Stuart B Corbridge  
VRANESH AND RAISCH, LLP

**For the Opposer-Appellee Centennial Water and Sanitation District:**

Veronica A Sperling  
BUCHANAN AND SPERLING, P.C

**For the Opposer-Appellee Center of Colorado Water Conservancy District:**

James W Culichia  
FELT MONSON & CULICHIA, LLC

**For the Opposer-Appellee City and County of Broomfield:**

David L Kueter  
Harvey William Curtis  
HARVEY W. CURTIS & ASSOCIATES

**For the Opposer-Appellee City of Aurora:**

John Marshall Dingess  
DUNCAN, OSTRANDER & DINGESS, P.C.

**For the Opposer-Appellee City of Commerce:**

Aine L Durkin  
BURLESON LLP  
and  
Paul Zilis  
VRANESH & RAISCH LLP

**For the Opposer-Appellee City of Lakewood:**

David S Hayes  
PETROS & WHITE  
and  
Raymond Louis Petros  
PETROS & WHITE, LLC

**For the Opposer-Appellee City of Louisville:**

Alan G Hill  
YATES LAW FIRM, LLC

**For the Opposer-Appellee City of Thornton:**

Joanne Herlihy  
CITY OF THORNTON

**For the Opposer-Appellee City of Westminster:**

Lee H Johnson  
Mary Mead Hammond  
CARLSON HAMMOND & PADDOCK, LLC  
and  
Leila Christine Behnampour  
VRANESH & RAISCH, LLP

**For the Opposer-Appellee Consolidated Ditches of Water District No. 2:**

Eliza Finkenstaedt Hillhouse  
William A Hillhouse  
HOSKIN FARINA & KAMPF, PC

**For the Opposer-Appellee Coors Brewing Company:**

Stephen Hunter Leonhardt  
BURNS FIGA & WILL, P.C.  
and  
Bernard F Gehris  
BURNS, FIGA & WILL, P.C.

and  
Jessica J Spuhler  
MOUNTAIN STATES LEGAL FOUNDATION

**For the Opposer-Appellee James R. Hall, Division Engineer:**

Jennifer Lyn Mele  
OFFICE OF THE ATTORNEY GENERAL

**For the Opposer-Appellee East Cherry Creek Valley Water and Sanitation District:**

Thomas Neal George  
and  
William B Tourtillott  
Brian M Nazareus  
Sheela S Stack  
RYLEY CARLOCK & APPLEWHITE

**For the Opposer-Appellee Water Activity Enterprise, Inc.:**

Thomas Neal George  
and  
Sheela S Stack  
Brian M Nazareus  
William B Tourtillott  
RYLEY CARLOCK & APPLEWHITE

**For the Opposer-Appellee Fairmount Cemetery Company:**

Veronica A Sperling  
BUCHANAN AND SPERLING, P.C

**For the Opposer-Appellee Farmers High Line Canal and Reservoir Company:**

Brice Steele  
LAW OFFICES OF BRICE STEELE PC

**For the Opposer-Appellee Farmers Reservoir and Irrigation Company:**

Joseph B Dischinger  
FAIRFIELD & WOODS, P.C.  
and  
Marjorie L Sant  
FAIRFIELD AND WOODS, P.C.

**For the Opposer-Appellee Fulton Irrigation Ditch Company:**

Brice Steele  
LAW OFFICES OF BRICE STEELE PC

**For the Opposer-Appellee Glenmoor Country Club:**

David S Hayes  
PETROS & WHITE  
and  
Charles Byron White  
PETROS & WHITE LLC

**For the Opposer-Appellee Henrylyn Irrigation**

**District:**

Steven Lynn Janssen

**For the Opposer-Appellee New Brantner Extension**

**Ditch Company:**

Brice Steele

LAW OFFICES OF BRICE STEELE PC

**For the Opposer-Appellee Northern Colorado Water**

**Conservancy District:**

Douglas M Sinor

Bennett William Raley

TROUT RALEY MONTANO WITWER FREEMAN

**For the Opposer-Appellee Parker Water & Sanitation**

**District:**

Robert Frederick Krassa

KRASSA & MILLER, LLC

**For the Opposer-Appellee Public Service Company  
of Colorado dba Excel Energy:**

James Merle Noble

Carolyn F Burr

WELBORN SULLIVAN MECK & TOOLEY, PC

**For the Opposer-Appellee Platte Valley Irrigation  
Company:**

Scott E Holwick

Jeffrey J Kahn

LYONS GADDIS KAHN & HALL, PC

**For the Opposer-Appellee Central Colorado Water  
Conservancy District:**

Kim Robert Lawrence

LAWRENCE JONES CUSTER & GRASMICK, L

and

P Andrew Jones

Bradley Charles Grasmick

LAWRENCE JONES CUSTER GRASMICK LLP

**For the Opposer-Appellee Hal D. Simpson, State  
Engineer:**

Jennifer Lyn Mele

OFFICE OF THE ATTORNEY GENERAL

**For the Opposer-Appellee South Adams County  
Water and Sanitation District:**

Richard John Mehren

MOSES WITTEMYER HARRISON & WOODRUFF

**For the Opposer-Appellee South Suburban Park  
Recreation District:**

Evan D Ela

COLLINS COCKREL & COLE PC

**For the Opposer-Appellee The City of Greeley:**



SUPREME COURT, STATE OF COLORADO  
Oral Argument: Wednesday, May 8, 2013  
Bailliff: Chief Justice Bender's Chambers

1:30 p.m.  
EN BANC

Katie Laurette Wiktor  
CITY OF GREELEY: CITY ATTORNEY'S O  
and  
Stephen Thomas Williamson  
LAW OFFICE OF STEPHEN T. WILLIAMSON  
and  
Douglas M Sinor  
TROUT RALEY MONTANO WITWER FREEMAN  
and  
James Stow Witwer  
TROUT, RALEY, MONTANO, WITWER & FREEMAN

**For the Opposer-Appellee The Upper Cherry Creek  
Water Association:**

John Marshall Dingess  
DUNCAN, OSTRANDER & DINGESS, P.C.

**For the Opposer-Appellee The Denver Country Club:**

William Arthur Paddock  
CARLSON HAMMOND & PADDOCK LLC  
and  
Karl David Ohlsen  
CARLSON HAMMOND & PADDOCK, LLC

**For the Opposer-Appellee City of Brighton:**

Brent A Bartlett  
FISCHER, BROWN, BARTLETT & GUNN, P.  
and  
Sara J L Irby  
FISCHER, BROWN, BARTLETT, & GUNN, P

**For the Opposer-Appellee United Water & Sanitation  
District:**

Tod Jay Smith  
THE LAW OFFICE OF TOD J. SMITH

Appeal from the District Court, , 2004CW121  
Docketed: June 22, 2012  
At Issue: January 25, 2013

ISSUE(S):

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2012SC835 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

O. C.,

**and Concerning**

**Intervenors:**

C. M. and C. M..

**For the Petitioner The People of the State of Colorado:**

Ellen Good Wakeman  
JEFFERSON COUNTY ATTORNEYS OFF  
and  
Melanie L Jordan  
JEFFERSON COUNTY COUNTY ATTORNEY\’S

**For the Intervenor C. M.:**

Hillary Ryan Ross  
THE BOURASSA LAW GROUP, LLC

**For the Intervenor C. M.:**

Hillary Ryan Ross  
THE BOURASSA LAW GROUP, LLC

Certiorari to the Colorado Court of Appeals, 2012CA649  
Docketed: October 25, 2012  
At Issue: February 26, 2013

ISSUE(S):

Whether the court of appeals erred in concluding that relatives may intervene as a matter of right any time following adjudication, even when they have not had a child in their care at least three months prior to intervention under C.R.S. section 19-3-507(5)(a).

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2011SC157 (1 HOUR)

**Petitioner:**

Lessell Henry Moore,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner Lessell Henry Moore:**

Eric A Samler  
SAMPLER & WHITSON, P.C.

**For the Respondent The People of the State of Colorado:**

Katherine Ann Aidala Assistant Attorney General  
Office of the Attorney General

Certiorari to the Colorado Court of Appeals, 2008CA1805

Docketed: March 7, 2011

At Issue: May 22, 2012

ISSUE(S):

Whether the court of appeals erred under People v. Blehm, 983 P.2d 779 (Colo. 1999), when it addressed defendant's Curtis advisement on direct appeal.

Whether the court of appeals erred in concluding that defendant's Curtis advisement was not plainly erroneous.

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