

*ANNOUNCEMENTS*  
*COLORADO SUPREME COURT*  
*MONDAY, MARCH 20, 2006*

"Slip opinions" are the opinions as filed by the judges with the clerk. Slip opinions are subject to modification, rehearing, withdrawal, or clerical corrections. A link to any modifications to previously posted opinions will appear in the petition for rehearing section of the announcement document the day the changes are announced.

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OPINIONS

<p>SUPREME COURT, STATE OF COLORADO  Two East 14<sup>th</sup> Avenue  Denver, Colorado 80203</p> <p>Certiorari to the Colorado Court of Appeals  Court of Appeals Case No. 02CA1483</p>	<p><a href="#">Case No. 04SC396</a></p>
<p><b>Petitioner:</b></p> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p><b>Respondent:</b></p> <p>MATTHEW SUMMITT.</p>	
<p>JUDGMENT REVERSED WITH DIRECTIONS  EN BANC</p> <p>JUSTICE HOBBS delivered the Opinion of the Court.  JUSTICE MARTINEZ concurring in part, dissenting in part, and dissenting from the judgment, and JUSTICE BENDER joins in the concurrence and dissent.  JUSTICE COATS concurring in part and in the judgment.  JUSTICE EID does not participate.</p>	

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PETITIONS FOR REHEARING

Case No. 04SC565

SUPREME COURT, STATE OF COLORADO  
Two East 14th Avenue  
Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals  
Court of Appeals Case No. 02CA2487

**Petitioner:**

WILLIAM EDWARDS,

v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Rehearing DENIED. EN BANC.  
JUSTICE RICE, JUSTICE COATS and JUSTICE EID do not participate.

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PETITIONS FOR WRIT OF CERTIORARI

No. 05SC389  
Court of Appeals Case Nos. 02CA2544 & 03CA0379 (2/24/05)

**Petitioners/Cross-Respondents:**

DOUG T. HOANG; HIEU T. VAN; GREGORY STORBAKKEN; JOAN STORBAKKEN; ALLAN WALTS;  
MARSHA WALTS; and MONTERRA HOMES (POWDERHORN) LLC, a Colorado limited  
liability corporation,

v.

**Respondents/Cross-Petitioners:**

ASSURANCE COMPANY OF AMERICA, a New York corporation; and MARYLAND CASUALTY  
COMPANY, a Maryland corporation.

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

Summary of Issue:

Whether liability insurance coverage for property damage is voided if the  
damage occurs while a claimant's predecessor in interest owns the damaged  
property, despite the insured being found legally liable to pay all the  
claimant's damages, including damages attributable to such property damage, a

view every other state and federal court has rejected?

CHIEF JUSTICE MULLARKEY would also grant the following issue:

Whether where a jury awards consequential damages for "annoyance, discomfort, inconvenience, aggravation and loss of use and enjoyment due to property damage," a liability policy that says that the insurer will pay "those sums that the insured becomes legally obligated to pay as damages because of property damage," provides coverage for such consequential damages?

DENIED AS TO ALL OTHER ISSUES.

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No. 05SC660  
Court of Appeals Case No. 03CA0049 (7/28/05)

**Petitioner:**

PAUL LOPEZ,  
v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

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

JUSTICE BENDER would grant as to the following issue:

Whether the court of appeals erred in determining that comments vouching for the credibility of the alleged victims by the lead detective and the prosecution were admissible as a description of the detective's interrogation technique in this case.

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No. 05SC702  
Court of Appeals Case No. 03CA0646 (9/8/05)

**Petitioner:**

JORGE BARAJAS,  
v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

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

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No. 05SC816  
Court of Appeals Case No. 04CA0928 (10/6/05)

**Petitioners/Cross-Respondents:**

DEPARTMENT OF TRANSPORTATION OF THE STATE OF COLORADO; and REGIONAL  
TRANSPORTATION DISTRICT, a political subdivision of the State of Colorado.

v.

**Respondent/Cross-Petitioner:**

MARILYN HICKEY MINISTRIES, d/b/a HAPPY CHURCH.

Petition for Writ of Certiorari GRANTED. Cross-Petition for Writ of  
Certiorari DENIED. EN BANC.  
JUSTICE EID does not participate.

Summary of Issue:

Whether the court of appeals erred in ruling that the landowner in this case,  
whose property is being taken by eminent domain for a State transportation  
project, has a cognizable right to damages for the impairment of passing  
motorists' view of the landowner's property.

DENIED AS TO ALL OTHER ISSUES.

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No. 05SC820  
Court of Appeals Case No. 03CA2068 (10/20/05)

**Petitioner:**

GALEN T. FELDER,

v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO.

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

JUSTICE BENDER would grant as to the following issue:

Whether the court of appeals erred when it held that the statements of a  
confidential informant utilized in the prosecution and trial of the petitioner  
were not testimonial in nature and therefore, petitioner's Sixth Amendment  
right to confrontation was not violated.

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No. 05SC846  
Court of Appeals Case No. 03CA1078 (11/3/05)

**Petitioner:**

MARTHA WERTZ,

v.

**Respondent:**

RICKENBAUGH CADILLAC COMPANY.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 06SC37  
Court of Appeals Case No. 05CA419 (12/22/05)

**Petitioner:**

D.N.,  
v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO,  
I  
In the Interest of T.M. and F.A.A., Minor Children.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS would grant as to the following issues:

Whether the statutory grounds for termination of the parent-child relationship were not established by clear and convincing evidence.

Whether the trial court failed to consider alternatives to termination.

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No. 06SC105  
Court of Appeals Case No. 05CA2200 (1/19/06)

**Petitioner:**

J.T.,  
v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO,  
  
In the Interest of J.T. and A.T., Minor Children.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 06SC121  
Court of Appeals Case No. 05CA2201 (2/9/06)

**Petitioner:**

R.A.S.,  
v.

**Respondent:**

THE PEOPLE OF THE STATE OF COLORADO,  
  
In the Interest of A.L.G.S., Minor Child.

Petition for Writ of Certiorari DENIED. EN BANC.

