

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

"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.

Click on the case number to view the opinion in pdf format

OPINIONS

SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203 Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 04CA2177	Case No. 07SC263
<p>Petitioner:</p> <p>THE GOODYEAR TIRE & RUBBER COMPANY,</p> <p>v.</p> <p>Respondent:</p> <p>GARY S. HOLMES.</p>	
<p style="text-align:center">JUDGMENT REVERSED EN BANC</p> <p>JUSTICE MARTINEZ delivered the Opinion of the Court.</p>	

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Interlocutory Appeal from the District Court Garfield County, Case No. 06CR454 Honorable Denise K. Lynch, Judge</p>	<p>Case No. 08SA113</p>
<p>Plaintiff-Appellant:</p> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>Defendant-Appellee:</p> <p>FRANK PAUL ALAMENO.</p>	
<p>ORDER REVERSED EN BANC</p> <p>JUSTICE RICE delivered the Opinion of the Court.</p>	

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Appeal from the District Court Douglas County District Court Case No. 07CV1204 Honorable Nancy A. Hopf, Judge</p>	<p>Case No. 07SA202</p>
<p>Petitioner-Appellant:</p> <p>DELMERT EDWARD VREELAND,</p> <p>v.</p> <p>Respondent-Appellee:</p> <p>SHERIFF DAVID A. WEAVER.</p>	
<p style="text-align:center">JUDGMENT AFFIRMED EN BANC</p> <p>JUSTICE RICE delivered the Opinion of the Court.</p>	

PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 08SC187
Court of Appeals Case No. 04CA2611

Petitioner:
EDGAR DEWOND REED,
v.

Respondent:
THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC242
Court of Appeals Case No. 06CA1271

Petitioner:

FIRMAN BORDEN, on behalf of himself and all others similarly situated,
v.

Respondent:

FARMERS INSURANCE EXCHANGE, a California corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC300
Court of Appeals Case No. 06CA2329

Petitioner:

RANDALL KIM DUMAN,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC319
Court of Appeals Case No. 06CA2476

Petitioner:

KEVIN J. O'CONNOR,
v.

Respondent:

COCKRELL, QUINN & CREIGHTON, a Colorado general partnership.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC342
Court of Appeals Case No. 06CA0853

Petitioner:

SCOTT D. WIRBS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC343
Court of Appeals Case No. 07CA0116

Petitioners:

RAYNELLE C. TROESTER, individually and on behalf of the Estate of Willard D. Troester; DANIEL TROESTER; CHRISTOPHER TROESTER; and SHANA TROESTER MCCONNELL,

v.

Respondents:

THOMAS J. PAZIK, M.D. and SHELLEY L. PEETZ, M.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC356
Logan County District Court Case No. 07CV168

Petitioner:

RONALD ANDREW DECKER,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC364
Court of Appeals Case No. 04CA1542

Petitioner:

DANIEL SELF,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC373
Court of Appeals Case No. 06CA1302

Petitioners:

J.D. FICKE and CARRIE SHIELDS,
v.

Respondent:

CITY OF BLACK HAWK, COLORADO, a Colorado home rule municipality.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC377
Court of Appeals Case No. 04CA2339 & 06CA0037

Petitioner:

ROBERT ERNEST SCHWARTZ,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC387
Court of Appeals Case No. 05CA2192

Petitioner:

TIRIEK ALLEN,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC418
Court of Appeals Case No. 06CA0026

Petitioner/Cross-Respondent:

Robert G. Valenzuela, Jr.,
v.

Respondent/Cross-Petitioner:

THE PEOPLE OF THE STATE OF COLORADO.

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

Summary of Issue:

Whether conspiracy to distribute a controlled substance, an offense wholly contained in section 18-18-405(1)(a), C.R.S. (2007) constitutes an extraordinary risk crime under section 18-1.3-401(10), C.R.S. (2007).

DENIED AS TO ALL OTHER ISSUES.

No. 08SC420
Court of Appeals Case No. 06CA0651

Petitioner:

CLIFTON BLECHA,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC421
Court of Appeals Case No. 05CA1580

Petitioner:

AURELIO DESANTIAGO,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC428
Court of Appeals Case No. 05CA1826

Petitioner:

ANDREW H. MAESTAS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC434
Court of Appeals Case Nos. 05CA2624 & 05CA2626

Petitioner:

ELIAS ARMANDO VALDEZ,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC435
Court of Appeals Case No. 07CA1546

Petitioner:

ROBERT D. GANDY,
v.

Respondents:

ARKANSAS VALLEY CORRECTIONAL FACILITY; LOU ARCHULETTA, Warden; JOHN DOE, unknown hearing committee member; LT. MARTINEZ, Hearing Committee Member; LT. T. RITTER; Hearing Committee Chairperson; and JOHN W. SUTHERS, Attorney General of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC458
Court of Appeals Case No. 07CA0281

Petitioner:

AMOR A. PORTUGAL,
v.

Respondent:

COLORADO DIVISION OF INSURANCE.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC469
Court of Appeals Case No. 05CA2187

Petitioner:

THOMAS LAWRENCE TAYLOR,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC475
Court of Appeals Case No. 05CA1135

Petitioners:

DELORES AUTOBEE, Mother of Eric J. Autobee, Deceased; ROBERT AUTOBEE, Father of Eric J. Autobee, Deceased; ESTATE OF ERIC J. AUTOBEE; by and through Robert and Delores Autobee as Personal Representatives of the Estate,

v.

Respondents:

COLORADO DEPARTMENT OF CORRECTIONS; JOE ORTIZ, individually and in his official capacity as Director of the Colorado Department of Corrections; NOLIN RENFROW, individually and in his official capacity as Director of Prisons, Colorado Department of Corrections; GARY WATKINS, individually and in his official capacity as Warden of the Limon Correctional Facility; A. ESTEP, individually and in his official capacity as Deputy Warden, Limon Correctional Facility; and KIP STRODE, individually and in his official capacity as Staff Lieutenant, Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC477
Court of Appeals Case No. 04CA2373

Petitioner:

RONNIE RUCKER,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC485
Court of Appeals Case No. 05CA2297

Petitioner:

ANTONIO R. HOWARD,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC486
Court of Appeals Case No. 07CA1790

Petitioner:

JAMES BOLTON,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC490
El Paso County District Court Case No. 08CV676

Petitioner:

JILES THERON BENNETT,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC492
Court of Appeals Case No. 06CA2265

Petitioner:
BEAUX TAYLOR,
v.

Respondent:
THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC494
Court of Appeals Case No. 05CA1721

Petitioner:
BILLY SLAUGHTER,
v.

Respondent:
THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC495
Court of Appeals Case No. 05CA1023

Petitioner:
RAY STANDINGCROW,
v.

Respondent:
THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC496
Court of Appeals Case No. 05CA2748

Petitioner:
RANDY BEHRENS,
v.

Respondent:
THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC512
Court of Appeals Case No. 07CA0589

Petitioner:

RANDY L. GILMORE,
v.

Respondents:

INDUSTRIAL CLAIM APPEALS OFFICE; SOS STAFFING SERVICES, INC., and
INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC514
Court of Appeals Case No. 06CA1457

Petitioner:

MARCOS S. REYES,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC515
Boulder County District Court Case No. 07CV1791

Petitioner:

ANDREAS PAETZOLD,
v.

Respondent:

THE PEOPLE OF THE CITY OF BOULDER.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC517
Court of Appeals Case No. 05CA1559

Petitioner:

SHANE D. BURDEN,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC520
Court of Appeals Case No. 06CA1119

Petitioner:

PHILLIP BONAN,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC521
Court of Appeals No. 05CA2090

Petitioner:

JOSE MONTALVO-LOPEZ,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether Crim. P. 16 requires the prosecution to disclose a witness statement that is made to another governmental authority but it within the prosecution's possession.

DENIED AS TO ALL OTHER ISSUES.

No. 08SC523
Court of Appeals Case No. 06CA0526

Petitioner:

STANLEY HELKEY,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC524
Court of Appeals Case No. 06CA1750

Petitioner:

DANIEL MARTINEZ,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC527
Court of Appeals Case No. 06CA2315

Petitioner:

EVERET KARL PRICE,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC528
Court of Appeals Case No. 08CA0292

Petitioners:

LITTON LOAN SERVICING LP as Servicer for HSBC Bank USA, NATIONAL ASSOCIATION, as Trustee for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2004-FM2, successor in interest to Freemont Investment & Loan,
v.

Respondents:

BRADBURY RANCH HOMEOWNERS ASSOCIATION, a Colorado non-profit corporation; OAKMONT REDEVELOPMENT AUTHORITY, LLC, a Colorado limited liability company; and WEBSTER LENDING, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC533
Court of Appeals Case No. 06CA1813

Petitioner:

CESAR GONZALES-HUERTA,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC534
Court of Appeals Case No. 06CA1814

Petitioner:

ALEJANDRO ESTRADA-HUERTA,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC542
Court of Appeals Case No. 05CA1616

Petitioner:

JOHN LEAMAN SHEETS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC546
Court of Appeals Case No. 07CA2032

Petitioner:

RANDY BEHRENS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC547
Court of Appeals Case No. 06CA1865

Petitioner:

RICARDO LEON PORTER,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC548
Court of Appeals Case No. 07CA1643

Petitioner:

ANNA M. BERGLUND,
v.

Respondent:

THOMAS G. ELLIOTT, Presiding Judge of City of Lakewood, a municipal corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC551
Court of Appeals Case No. 05CA2558

Petitioner:

LEEVAN NUFIO,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC552
Court of Appeals Case No. 06CA0724

Petitioner:

RICKEY PURDY,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC553
Weld County District Court Case No. 07CV990

Petitioner:

JAMES KIRKHAM,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC556
Court of Appeals Case No. 05CA2764

Petitioner:

JEREMY DENISON,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC561
Court of Appeals Case No. 07CA0106

Petitioner:

STEPHEN JAY CRAFT,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC562
Court of Appeals Case No. 07CA0459

Petitioner:

MICHAEL O. BACKUS,

v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC563
Court of Appeals Case No. 06CA1338

Petitioner:

ANDREW A. MARTINEZ,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC564
Court of Appeals Case No. 07CA0868

Petitioner:

BILLY VON HALLEY,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC567
Court of Appeals Case No. 06CA2466

Petitioner:

LOU ANN RAEL,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC568
Court of Appeals Case No. 07CA1363

Petitioner:

ALBERT BENJAMIN HILL,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC569
Court of Appeals Case No. 07CA0832

In re the Marriage of

Petitioner:

SCOTT DENNIS LINDSAY,
and

Respondent:

KRISSI LYNN BARNES, f/k/a KRISSI LYNN LINDSAY.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC572
Court of Appeals Case No. 07CA0879

Petitioner:

AMOS ROGERS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC573
Court of Appeals Case No. 06CA1592

Petitioner:

LARRY ADAMS,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

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

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC575
Court of Appeals Case No. 06CA2462

Petitioner:

JIMMY W. TANKSLEY,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC579
Court of Appeals Case No. 07CA0665

Petitioner:

MARK J. MILLER,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC582
Court of Appeals Case No. 07CA0766

Petitioner:

LUPITA ANGELA GIRON,
v.

Respondents:

DOUGLAS D. KOKTAVY, ESQUIRE; DOUGLAS D. KOKTAVY, P.C., a professional corporation; CHARLES H. TORRES, ESQ; and CHARLES H. TORRES, P.C., a professional corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 6, 2008*

No. 08SC586
Court of Appeals Case No. 05CA2196

Petitioner:

WILLIE JAMES RUPERT,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC590
Court of Appeals Case No. 08CA0111

Petitioner:

EDWARD A. KANETA,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC591
Court of Appeals Case No. 07CA2429

Petitioner:

EUGENE ROMERO,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC664
Court of Appeals Case No. 08CA0277

Petitioners:

D.T. and T.T.,
v.

Respondent:

THE PEOPLE OF THE STATE OF COLORADO.
In the interest of B.T. and B.T., Minor Children.

Petition for Writ of Certiorari DENIED. EN BANC.
