

*ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 23, 2009*

"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

NONE

PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 08SC677
Court of Appeals Case No. 07CA1465

Petitioner:

Carlos Gandiaga,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC717
Court of Appeals Case No. 06CA1476

Petitioner:

Phyllis Valdez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 08SC721
Court of Appeals Case No. 08CA0346

Petitioner:

Ina Kim,
v.

Respondent:

Greg A. Dickey, Receiver.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC768
Court of Appeals Case No. 07CA1138

Petitioner:

Dennis Dean Carter,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC877
Court of Appeals Case No. 06CA1084

Petitioner:

Brindelin Ann Archer,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE MULLARKEY would grant as to the following issue:

Whether the trial court erred in failing to grant the defense motion for a mistrial based on the cumulative effect of prosecutorial misconduct in the closing argument, which included both repeated references to inadmissible evidence and mischaracterization of the defense as "a concession of guilt," in violation of Petitioner's constitutional right to a fair trial.

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No. 08SC911
Court of Appeals Case No. 07CA1822

Petitioner:

Eddie Mingo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC936
Court of Appeals Case No. 06CA0013

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Allen Charles Bergerud.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether criminal defendants have a fundamental constitutional right to direct their counsel to present an "innocence-based defense," irrespective of counsel's professional judgment.

Whether, if there is such a constitutional right, what procedures should this Court devise to ensure that defendants are aware of said right, any waiver of it is done in a knowing, voluntary, and intelligent manner, and that counsel is acting pursuant to the defendant's directions and not on the basis of his own professional judgment.

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No. 08SC970
Court of Appeals Case No. 07CA0482

Petitioner:

Savannah Boles,
v.

Respondent:

Sun Ergoline, Inc., a Delaware Corporation.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the public policy of Colorado allows enforcement of an exculpatory agreement purporting to release a manufacturer from liability for possible future injuries caused by the manufacturer's defective products.

No. 08SC1023
Court of Appeals Case No. 05CA2434

Petitioner:

Ivan A. Gonzales-Quevedo,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BENDER would grant as to the following issue:

Whether a trial court's ruling that the defense may not cross-examine witnesses about their common gang membership in order to explain why survivors of a shooting would change their stories and lie about who shot them, violate a defendant's right to confrontation by foreclosing inquiry into a prototypical form of bias and, may that claim be reviewed for abuse of discretion or must it be reviewed, de novo, for constitutional error.

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No. 08SC1037
Court of Appeals Case No. 06CA1722

Petitioner:

Brian Martinez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC1038
Court of Appeals Case No. 05CA2676

Petitioner:

Frank Williams,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC1057
Court of Appeals Case No. 06CA0674

Petitioner:

Daniel Lindquist,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC1070
Court of Appeals Case No. 07CA0390

Petitioner:

James Petera,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 08SC1072
Court of Appeals Case No. 06CA1361

Petitioner:

Elma Garcia,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC1076
Court of Appeals Case No. 07CA0056

Petitioner:

Jeffrey S. Beebe,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC1078
Court of Appeals Case No. 07CA0206

Petitioner:

James Hand,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 08SC1084
Court of Appeals Case No. 06CA0211

Petitioner:

Andrew Borjas,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC15
Jefferson County District Court Case No. 08CV3040

Petitioner:

Steven R. Warfel,
v.

Respondent:

York Engineering Services.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC33
Court of Appeals Case No. 07CA0432

Petitioner:

John Montano,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC39
Court of Appeals Case No. 07CA0202

Petitioner:

Thomas Reed Brandon,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC41
Court of Appeals Case No. 07CA2466

Petitioner:

Vivian L. Rader,
v.

Respondent:

Citibank, N.A.

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

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No. 09SC43
Court of Appeals Case No. 06CA2572

Petitioner:

Brian P. Berigan,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC48
Court of Appeals Case No. 07CA2083

Petitioner:

Bobby Joe Stringer,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC49
Court of Appeals Case No. 07CA1080

Petitioner:

Louis King,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC56
Court of Appeals Case No. 07CA2021

Petitioners:

Pamela G. Pittman and Ken Pittman,
v.

Respondent:

State Farm Mutual Automobile Insurance Company, an Illinois domestic
mutual insurance company.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC58
Court of Appeals Case No. 07CA0769

Petitioner:

Daryl Wayne Seagroves,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC61
Court of Appeals Case No. 06CA0831

Petitioner:

Jeffrey Armendarez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC63
Court of Appeals Case No. 06CA2657

Petitioner:

Michele Coristine,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC67
Court of Appeals Case No. 06CA0863

Petitioner:

Juan Lopez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC73
Court of Appeals Case No. 07CA0806

Petitioner:

Amalia Diaz,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 09SC79
Court of Appeals Case No. 07CA2108

Petitioner:

Theresa J. Burrows,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
