CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 16, 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 24

Supreme Court Case No. 09SC519
Certiorari to the Jefferson County District Court
Jefferson County District Court Case No. 09CV444

Petitioner:

Daniel Shane Hassler,

v.

Respondent:

Account Brokers of Larimer County, Inc.

Judgment Reversed
en banc

CHIEF JUSTICE BENDER delivered the Opinion of the Court.
JUSTICE MÁRQUEZ concurs in part and dissents in part.

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

2012 CO 25

Supreme Court Case No. 12SA8
Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2011)
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title, and Submission Clause for 2011-2012 #3

Petitioner:

Douglas Kemper,

v.

Respondents:

Richard G. Hamilton and Phillip Doe, Proponents,

and

Title Board:

William A. Hobbs, Jason Gelender, and Daniel Domenico.

Decision of the Ballot Title Setting Board Affirmed
en banc

JUSTICE RICE 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 26

Supreme Court Case No. 12SA22
Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2011)
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title, and Submission Clause for 2011-2012 #45

Petitioner:

Douglas Kemper,

v.

Respondents:

Richard G. Hamilton and Phillip Doe, Proponents,

and

Title Board:

William A. Hobbs, Jason Gelender, and Daniel Domenico.

Decision of the Ballot Title Setting Board Affirmed
en banc

JUSTICE RICE 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 27

Supreme Court Case No. 10SA393
Appeal from the District Court
Water Division 3 Case No. 08CW3
Honorable O. John Kuenhold, Judge

Plaintiffs-Appellants:

Jesse Lloyd Reynolds; Stella Jenine Reynolds; Jesse Lloyd Reynolds and Stella Jenine Reynolds, as Co-Trustees of Jesse Lloyd Reynolds Revocable Trust; Jesse Lloyd Reynolds and Stella Jenine Reynolds, as Co-Trustees of Stella Jenine Reynolds Revocable Trust; Nortonville Cattle Company; Martin Cattle Company; W&K Reed & Co.; Dean Reynolds; Georgina Reynolds, as Trustee of Phillip B. Reynolds Trust; Penny Sue Reed Harper; Douglas Warren Reed; Marvin Bruce Reed; Allison E. Reed Boyack; Carl Thomas Reed; Jason Keith Reed; Kelly Reed; and Alamosa – La Jara Water Conservancy District;

v.

Defendants-Appellees:

Craig Cotten, Division Engineer, Water Division 3; Dick Wolfe, State Engineer; C.G. Betenbough; Jessie D. Crowther; Martille Faatz; Ralph Hawkins; La Mont Morgan; Ted Morrison; Dennis M. Mortensen; Dennis Q. Mortensen; Judy Parrish; Kent Shawcroft; Crowther Family Limited Partnership; La Jara Seepage Diversion Ditch Company; Miller Ditch Company; State of Colorado, Division of Wildlife; and all unknown persons who claim or may claim an interest in the subject matter of this action;

and

Appellee Pursuant to C.A.R. 1(e):

Craig Cotten, Division Engineer, Water Division 3.

Judgment Reversed
en banc

JUSTICE COATS delivered the Opinion of the Court.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 16, 2012

PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 11SC343
Court of Appeals Case No. 07CA1296

Petitioner:
Daniel Lynn Devorss,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC466
Court of Appeals Case No. 08CA416

Petitioner:
Eric John Lanzieri,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 16, 2012

No. 11SC565
Court of Appeals Case No. 08CA2012

Petitioner:
Christopher John Brown,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC714
Court of Appeals Case No. 10CA912

In re the Marriage of:
Petitioner:
Louise Rubio,
and
Respondent:
Frank Rubio.
and Concerning Intervenors:
The Marrison Law Firm, n/k/a Marrison Family Law LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC748
Court of Appeals Case No. 09CA645

Petitioner:
Manuel Rico Sierra,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC816
Court of Appeals Case No. 10CA1111

Petitioner:
Kathryn Koch, Clerk of the City of Aspen,
v.
Respondent:
Marilyn Marks, a resident of the City of Aspen, Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether article VII, section 8, of the Colorado Constitution prohibits making cast election ballots available for public inspection pursuant to the Colorado Open Records Act, sections 24-72-200.1, *et seq.*, C.R.S.

Whether section 31-10-616 of the Municipal Election Code prohibits making available for public inspection copies of election ballots pursuant to the Colorado Open Records Act, sections 24-72-200.1, *et seq.*, C.R.S.

Whether the court of appeals erred in failing to remand the case to the district court for a hearing in accordance with sections 24-72-204(6)(a) and (b), C.R.S., to determine the propriety of the custodian's refusal to make cast ballots available for public inspection on the grounds that such disclosure "would do substantial injury to the public interest."

Whether the court of appeals erred in awarding appellate attorney fees to the respondent in the absence of a determination by the district court pursuant to section 24-72-204(6)(a), C.R.S., that "the custodian, in good faith, after exercising reasonable diligence, and after making reasonable inquiry, was unable to determine if disclosure of the public record was prohibited without a ruling by the court."

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 16, 2012

No. 11SC849
Court of Appeals Case No. 09CA1835

Petitioner:
Shannon Dean Merrow,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC41
Court of Appeals Case No. 10CA1796

Petitioner:
Ahmed Abukar,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC192
Court of Appeals Case No. 11CA1545

Petitioner:
A.R.,
v.
Respondent:
N.K.
and
Respondent:
The People of the State of Colorado,
In the Interest of J.K., Child.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 16, 2012

No. 12SC195
Court of Appeals Case No. 11CA2280

Petitioner:
J.A.G.,
v.
Respondent:
The People of the State of Colorado,
In the Interest of N.S.G. and K.R.G., Children.

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