CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 24, 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 58

Supreme Court Case No. 10SC765

Certiorari to the Colorado Court of Appeals
Colorado Court of Appeals Case No. 09CA900

Petitioner:

Portercare Adventist Health System, d/b/a Porter Hospital,

v.

Respondent:

Robert T. Lego.

Judgment Reversed
en banc

JUSTICE RICE delivered the Opinion of the Court.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 24, 2012

PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 11SC739
Court of Appeals Case No. 08CA1057

Petitioner:
Ronald Max Martinez,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC813
Court of Appeals Case No. 10CA1805

Petitioner:
The People of the State of Colorado,
v.
Respondents:
$11,200.00 US Currency and Bradley Edward Strand.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

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.

DENIED AS TO ALL OTHER ISSUES.

No. 11SC874
Court of Appeals Case No. 08CA1174

Petitioner:
Paul Bernard Cordova,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC889
Court of Appeals Case No. 10CA668

Petitioners:
Jason L. Kelly, M.D.; and Mauricio L. Waintrub, M.D.,
v.
Respondent:
Vasilios Haralampopoulos, by his guardian John Haralampopoulos.

Petitions for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in concluding that statements to a physician and other hearsay evidence regarding a patient's alleged cocaine use was inadmissible under the rules of evidence in a medical malpractice case in which the parties disputed the cause of the patient's complications following a medical procedure.

DENIED AS TO ALL OTHER ISSUES.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 24, 2012

No. 11SC935
Court of Appeals Case No. 10CA2327

Petitioners:
Debbie Benefield, State Representative; Bernie Buescher, State Representative; Morgan Carroll, State Representative; Gwyn Green, State Representative; Mary Hodge, State Representative; Liane "Buffie" McFadyen, State Representative; Wes McKinley, State Representative; Michael Merrifield, State Representative; James Riesberg, State Representative; and Judy Solano, State Representative,
v.
Respondent:
Colorado Republican Party.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in ruling that, under the Colorado Open Records Act, if a court orders the inspection of even one improperly withheld public record, the requesting party is a "prevailing applicant" entitled to attorneys' fees and costs.

No. 11SC955
Court of Appeals Case No. 08CA1347

Petitioner:
Bryan John Shuford,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC94
Court of Appeals Case No. 09CA828

Petitioner:
Penny Kae Fox,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC145
Court of Appeals Case No. 09CA2303

Petitioner:
Ashonti Hall,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC168
Court of Appeals Case No. 10CA137

Petitioner:
The People of the State of Colorado,
v.
Respondent:
Mark J. Strodtman.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 24, 2012

No. 12SC176
Court of Appeals Case No. 10CA1617

Petitioners/Cross-Respondents:
Wayne Ranieri and Julie M. Ranieri,
v.
Respondents/Cross-Petitioners:
Kathy Whaley and Ronald Whaley.

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

No. 12SC428
Elbert County District Court Case No. 12CV96

Petitioner:
Lora Krista, a/k/a Lora Krista Lafortune,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC615
Court of Appeals Case No. 12CA750

Petitioner:
S.A.T.,
v.
Respondent:
The People of the State of Colorado,
In the Interest of Minor Child: E.R.T.

Petition for Writ of Certiorari DENIED. EN BANC.