

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013

"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
2 East 14th Avenue • Denver, Colorado 80203

[2013 CO 63](#)

[Supreme Court Case No. 12SC396](#)

Certiorari to the Colorado Court of Appeals
Colorado Court of Appeals Case No. 11CA1747

Petitioner:

A.S.,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed

en banc

JUSTICE HOBBS delivered the Opinion of the Court.
JUSTICE BOATRIGHT dissents, and **JUSTICE EID** joins in the dissent.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 12SC814
Court of Appeals Case No. 10CA1999

Petitioner:

Gregory A. Bowers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC866
Court of Appeals Case No. 11CA852

Petitioner:

Jennifer Lynn Engelbrecht,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013

No. 12SC879
Court of Appeals Case No. 09CA1632

Petitioner:

Esteban Franco-Ramirez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC880
Court of Appeals Case No. 10CA950

Petitioner:

Carlos Jesus Ortega,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC897
Court of Appeals Case No. 08CA1606

Petitioner:

Gene Sterling Melendez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013

No. 12SC898
Court of Appeals Case No. 08CA74

Petitioner:

Kenneth Louis Mcgee,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC961
Court of Appeals Case No. 09CA940

Petitioner:

Victor Larry Rodriguez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC972
Court of Appeals Case No. 09CA2305

Petitioner:

David Paxton,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

No. 12SC973
Court of Appeals Case No. 10CA2242

Petitioner:

Shawn M. Robinson,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC1012
Court of Appeals Case No. 10CA2611

Petitioner:

Gary Priest,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC1028
Court of Appeals Case No. 10CA318

Petitioner:

Shaun Blackmon,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013

No. 12SC1031
Court of Appeals Case No. 11CA2644

Petitioner:

Rebecca Susan Lorenz,
v.

Respondent:

Retreat Landowners Association, Inc. (RLA), a Colorado nonprofit corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC1034
Court of Appeals Case No. 12CA1721

Petitioner:

Albert B. Hill,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC5
Court of Appeals Case No. 09CA2716

Petitioner:

Randy Scott Peebler,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

No. 13SC41
Court of Appeals Case No. 10CA1534

Petitioner:

Salvador Zunogama,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC48
Court of Appeals Case No. 11CA1642

Petitioner:

Gelasio Batres Tagle,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC94
Court of Appeals Case No. 11CA1536

Petitioners:

Russell E. Green and Nicole K. Green,
v.

Respondents:

J.P. Morgan Chase Bank, N.A. and Robert J. Hopp & Associates, LLC.

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

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013

No. 13SC107
Court of Appeals Case No. 11CA142

Petitioner:

Freeman Williams,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC112
Douglas County District Court Case No. 11CV1353

Petitioner:

Douglas Scott Olson,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC113
Court of Appeals Case No. 09CA2352

Petitioner:

Jason Antione Jones,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

No. 13SC114
Court of Appeals Case No. 10CA1436

Petitioner:

Joseph Dion Gomez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC149
Court of Appeals Case No. 10CA2538

Petitioner:

Janella Mae Hubbard,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC150
Court of Appeals Case No. 09CA1852

Petitioner:

Phillipp Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

No. 13SC157
Court of Appeals Case No. 11CA1185

Petitioner:

Christopher Juarez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC159
Court of Appeals Case No. 12CA926

Petitioner:

Jason Pecci,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC163
Court of Appeals Case No. 11CA1517

Petitioner:

Tyler Brijon Jones,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013

No. 13SC185
Court of Appeals Case No. 11CA2618

Petitioner:

Eric Keith Chapman,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC187
Court of Appeals Case No. 10CA2359

Petitioner:

Todd Michael Pembroke,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC189
Court of Appeals Case No. 11CA1723

Petitioner:

Richard B. DeRemer,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

No. 13SC205
Court of Appeals Case No. 12CA1080

Petitioner:

Jesse Paiz,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC277
Court of Appeals Case No. 12CA1443

Petitioner:

United Airlines,
v.

Respondents:

Angela Jones and Industrial Claim Appeals Office of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID would grant as to the following issue:

Whether temporary disability benefits received in excess of the statutory limit set forth in section 8-42-107.5, C.R.S. constitute an overpayment and may be recovered by the employer.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 28, 2013**

No. 13SC382
Court of Appeals Case No. 11CA363

Petitioner:

Westin Operator, LLC,

v.

Respondents:

Jillian Groh, individually, and by and through her guardians and conservators, William Groh and Janelle Groh.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals erred in holding that a hotel has a duty not to evict a guest under the circumstances of this case, and that a reasonable jury could find a breach of such duty on the present record.

Whether the court of appeals erred by failing to apply the Colorado Dram Shop Act when finding that summary judgment based on proximate cause was not warranted.
