

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 21, 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 60](#)

[Supreme Court Case No. 12SC139](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA2039

Petitioner:

Bristol Bay Productions, LLC, f/k/a Crusader Entertainment, LLC,

v.

Respondents:

Peter Lampack; The Peter Lampack Agency, Inc.; Simon & Schuster, Inc.;
and Penguin Group USA, Inc.

Judgment Affirmed in Part and Reversed in Part

en banc

CHIEF JUSTICE BENDER delivered the Opinion of the Court.
JUSTICE RICE dissents, and **JUSTICE MÁRQUEZ** and **JUSTICE BOATRIGHT** join in the dissent.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
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Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

[2013 CO 61](#)

[Supreme Court Case No. 13SA113](#)

Original Proceeding Pursuant to C.A.R. 21
Chaffee County District Court Case No. 12CR72
Honorable Charles Barton, Judge

In Re:

Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Paul Lesley Voth.

Rule Made Absolute
en banc

JUSTICE RICE delivered the Opinion of the Court.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 21, 2013**

Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

[2013 CO 62](#)

[Supreme Court Case No. 13SA214](#)

*Original Proceeding Pursuant to Article VI, Section 3
of the Constitution of the State of Colorado*

**In Re: Interrogatory Propounded by
Governor John Hickenlooper Concerning the Constitutionality of Certain Provisions of
Article XXI, § 3 of the Constitution of the State of Colorado.**

Governor's Interrogatory Answered in the Negative
en banc

JUSTICE RICE delivered the Opinion of the Court.
JUSTICE MÁRQUEZ dissents, and **JUSTICE COATS** joins in the dissent.

PETITIONS FOR REHEARING

NONE

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 21, 2013**

PETITIONS FOR WRIT OF CERTIORARI

No. 12SC833

Court of Appeals Case No. 09CA1745

Petitioner/Cross-Respondent:

Jeff Anthony Casias,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

CHIEF JUSTICE BENDER would grant as to the following issue:

Whether the court of appeals erred in construing the trial court's exclusion of defendant's critical expert testimony as merely a discretionary matter, without any further consideration or analysis.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 21, 2013**

No. 12SC923
Court of Appeals Case No. 10CA2142

Petitioner:

Donald Cordell Robinson,
v.

Respondent:

The People of the State of Colorado.

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

CHIEF JUSTICE BENDER would grant as to the following issue:

Whether the court of appeals' reliance on the harmless error doctrine was an abuse of discretion given the long line of cases which disallow an expert's opinion in a sex assault case that only 1% to 3% of children fabricate a false allegation of sexual abuse, especially where a pretrial objection was made, the trial court determined the expert opinion was inappropriate and highly prejudicial, a trial objection was made, and two trials were held and one of the only differences between trial one which ended in a hung jury and trial two which ended in a conviction and a life sentence was this inappropriate expert opinion.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 21, 2013

No. 12SC991
Court of Appeals Case No. 10CA828

Petitioner:

Norberto Abundez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BENDER would grant as to the following issue:

Whether the trial court committed reversible error by referring to the jurors by numbers, which created an impression, reinforced by the trial court's failure to explain its policy and a witness who demanded "protection," that petitioner was a dangerous man and violated petitioner's right to a presumption of innocence.

No. 13SC104
Court of Appeals Case No. 08CA1697

Petitioner:

Ronald Jason Francis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 21, 2013

No. 13SC134
Court of Appeals Case No. 11CA2184

Petitioner:

William J. Hunsaker, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the acknowledged illegality of a sentence on one count renders the entire sentence illegal and entitles a defendant to resentencing on all counts of conviction.

Whether, where a defendant is entitled to be resentenced due to the illegality of a sentence on one count, the resentencing court has jurisdiction to reconsider and reduce the sentence on another count of conviction pursuant to Crim. P. 35(b).

Whether the prosecution may appeal the propriety of a legal sentence entered on resentencing.

Whether, as a matter of first impression, a minimum term in the aggravated range for an indeterminate life sentence on a conviction for sexual assault of a child – pattern of abuse a legal is a legal sentence when there has been no finding of aggravated circumstances.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
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No. 13SC175
Court of Appeals Case No. 11CA2183

Petitioner:

Kim Ziwak,

v.

Respondents:

Director, Division of Registrations; Department of Regulatory Agencies; and Office of
Massage Therapist Registration.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC317
Court of Appeals Case No. 11CA1377

Petitioner:

Craig McKensie Fair,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC458
Court of Appeals Case No. 10CA1330

Petitioner:

Alvin D. Sartain,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
