

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 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

NONE

PETITIONS FOR REHEARING

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

2013 CO 39

Supreme Court Case No. 11SC669
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA1320

Petitioner:

Qwest Corporation,

v.

Respondent:

Colorado Division of Property Tax, Department of Local Affairs, State of Colorado.

Petition for Rehearing DENIED. EN BANC.

JUSTICE EID and **JUSTICE BOATRIGHT** would grant the Petition.

JUSTICE COATS does not participate.

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

2013 CO 42

Supreme Court Case No. 10SC218
Certiorari to the Court of Appeals
Court of Appeals Case No. 07CA312

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Rhoderick Flockhart.

Petition for Rehearing DENIED. EN BANC.

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

2013 CO 49

Supreme Court Case No. 11SC899
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA1719

Petitioners:

Lynda S. Gibbons, Brent Wilson, and Gibbons-White, Inc., a Colorado corporation,

v.

Respondents:

Gregory T. Ludlow, S. Reid Ludlow, and Jean E. Cowles.

Petition for Rehearing DENIED. EN BANC.

JUSTICE COATS and **JUSTICE BOATRIGHT** would grant the Petition.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

PETITIONS FOR WRIT OF CERTIORARI

No. 12SC205
Court of Appeals Case No. 10CA2005

Petitioner:

Richard C. LaFond,

v.

Respondent:

Charlotte N. Sweeney.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals' holding that a contingent fee earned by an attorney who previously represented the client in a dissolved law firm is an asset of the dissolved firm is inconsistent with Colorado law limiting discharged contingency fee attorneys to a quantum meruit recovery in order to promote the public policy of protecting the client's unfettered right to be represented by counsel of his own choice.

If the contingent fee is an asset of the dissolved firm, whether the new firm completing the work should receive compensation for the reasonable value of its post-dissolution work in successfully completing the case.

DENIED AS TO ALL OTHER ISSUES.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 12SC448
Court of Appeals Case No. 09CA511

Petitioner/Cross-Respondent:

The People of the State of Colorado,
v.

Respondent/Cross-Petitioner:

Amber Lee Torrez.

Petition and Cross-Petition for Writ of Certiorari GRANTED. EN BANC.
CHIEF JUSTICE BENDER does not participate.

Summary of Issues:

Whether, under section 18-1.3-405, C.R.S. (2011), a defendant is entitled to presentence confinement credit in a pending criminal case for a period of confinement at the Colorado State Hospital based on an unrelated finding of not guilty by reason of insanity.

Whether the award of presentence confinement credit under section 18-1.3-405, C.R.S. (2011), turns on the jurisdiction where a defendant is confined rather than conduct for which a defendant is confined.

No. 12SC533
Court of Appeals Case No. 11CA1416

Petitioners:

Sam A. Allen and Susie R. Allen,
v.

Respondent:

Mesa County Land Conservancy, Inc., a Colorado nonprofit corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 12SC546
Court of Appeals Case No. 09CA2209

Petitioner:

Nathan M. McClure,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC575
Court of Appeals Case No. 10CA651

Petitioner:

Randy Arzabala,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC592
Court of Appeals Case No. 09CA1963

Petitioner:

David S. Roebuck,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 12SC616
Douglas County District Court Case No. 12CV701

Petitioner:

Carol A. Rist,
v.

Respondent:

Amanda M. Rist.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC633
Court of Appeals Case No. 09CA246

Petitioner:

Christopher Lawrence Rowe,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC703
Court of Appeals Case No. 10CA1881

In re the Marriage of:

Petitioner:

Aneela Roohi,
and

Respondent:

Furrukh Joel.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 12SC758
Court of Appeals Case No. 09CA2406

Petitioner:

James Albert Maestas,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC790
Court of Appeals Case No. 11CA1264

Petitioner:

Amber Fitzpatrick,
v.

Respondents:

Michael H. Handler, M.D. and University Physicians, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC840
Court of Appeals Case No. 09CA2026

Petitioner:

Laura Carole Childress,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 12SC906

Court of Appeals Case No. 11CA1507

Petitioners/Cross-Respondents:

Gary R. Justus; Kathleen Hopkins; Eugene Halaas, Jr.; and Robert P. Laird, Jr., on behalf of themselves and those similarly situated,

v.

Respondents/Cross-Petitioners:

The State of Colorado; Governor John Hickenlooper, in his official capacity; Colorado Public Employees' Retirement Association; Carole Wright, in her official capacity; and Maryann Motza, in her official capacity.

Petition and Cross-Petition for Writ of Certiorari GRANTED. EN BANC.
JUSTICE EID and JUSTICE MÁRQUEZ do not participate.

Summary of Issues:

Whether the contracts clause framework articulated in In re Estate of DeWitt, 54 P.3d 849 (Colo. 2002), applies to all contract clause claims under the Colorado Constitution.

Whether Colorado Public Employees' Retirement Association members have contractual rights to the cost-of-living adjustment formulas in place at their respective retirements for life without change.

Whether SB10-1, which adjusted cost-of-living adjustments to their current level of two percent compounded annually, was constitutional because it (a) did not substantially impair contractual expectations and was reasonable and necessary to ensure the pension funds' long-term viability, and (b) was not a regulatory taking.

DENIED AS TO ALL OTHER ISSUES.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013

No. 12SC1019
Court of Appeals Case No. 12CA233

Petitioner:

Melanna Marcellot,
v.

Respondent:

Exempla, Inc., d/b/a Exempla West Pines.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC49
Court of Appeals Case No. 11CA1086

Petitioner:

Kevin James Dickason,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC50
Court of Appeals Case No. 12CA124

Petitioner:

Michael T. Voorhees,
v.

Respondents:

University of Colorado; Jean N. Koster, in his capacity as a Professor and employee of the University of Colorado; Louis Stodiek, in his capacity as Center Director of BioServe Space Technologies and employee of the University of Colorado; and David Klaus, in his capacity as Associate Director, Research at BioServe Space Technologies and employee of the University of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
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MONDAY, AUGUST 5, 2013

No. 13SC52
Court of Appeals Case No. 12CA413

Petitioner:

Keith Family Limited Partnership,
v.

Respondents:

BP America Production Company and Schultz Energy LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC56
Court of Appeals Case No. 12CA63

Petitioner:

Megan L. McKinnon,
v.

Respondent:

US Bank National Association, as Trustee for CSFB ARMT 2006-3.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC57
Court of Appeals Case No. 12CA720

Petitioner:

Golden 5 Homes, LLC, a Colorado limited liability company,
v.

Respondent:

City of Golden, a Colorado home-rule municipality.

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

**CASE ANNOUNCEMENTS
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MONDAY, AUGUST 5, 2013**

No. 13SC59
Court of Appeals Case No. 12CA152

Petitioner:

Mario Jose Velasquez,
v.

Respondent:

The People of the State of Colorado.

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

No. 13SC60
Court of Appeals Case No. 10CA906

Petitioner:

Emanuel James Lee Rivera, a/k/a Shawn Rivera,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC61
Court of Appeals Case No. 09CA1503

Petitioner:

Timothy John Boham,
v.

Respondent:

People of the State of Colorado.

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

**CASE ANNOUNCEMENTS
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MONDAY, AUGUST 5, 2013**

No. 13SC62
Court of Appeals Case No. 11CA1839

Petitioner:

Kwi C. Yi,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC63
Court of Appeals Case No. 11CA487

Petitioner:

Manuel Melina,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC65
Court of Appeals Case No. 11CA1129

Petitioner:

Darrell Eugene Goddard,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 13SC69
Court of Appeals Case No. 11CA646

Petitioner:

Darine A. Chely,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ and JUSTICE BOATRIGHT do not participate.

No. 13SC74
Court of Appeals Case No. 11CA1834

Petitioner:

Robert Fry,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC75
Court of Appeals Case No. 10CA688

Petitioner:

Bradley James Mitchell,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 13SC77
Court of Appeals Case No. 10CA24

Petitioner:

Ryan Darnell Cunningham,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC81
Court of Appeals Case No. 11CA1522

Petitioner:

Charles Smith,

v.

Respondent:

The People of the State of Colorado.

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

No. 13SC82
Court of Appeals Case No. 10CA1526

Petitioner:

Miguel R. Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, AUGUST 5, 2013**

No. 13SC89
Court of Appeals Case No. 11CA2213

Petitioner:

Blake Anthony Patton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC90
Court of Appeals Case No. 10CA19

Petitioner:

Stephen Harold Adams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC91
Court of Appeals Case No. 11CA2400

Petitioner:

Jon Delacastro,

v.

Respondent:

American Family Mutual Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013

No. 13SC92
Court of Appeals Case No. 11CA2463

Petitioner:
Namita K. Nariani,
v.
Respondent:
Jay W. Cook.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC93
Court of Appeals Case No. 10CA1576

Petitioner:
Michael Salvatore Parrino,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC99
Court of Appeals Case No. 10CA2572

Petitioner:
John R. Parker,
v.
Respondent:
The People of the State of Colorado.

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

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 13SC110
Court of Appeals Case No. 11CA2080

Petitioner:

Robert Torres,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC120
Court of Appeals Case No. 11CA2517

Petitioner:

Dmitry Pleshakov,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC126
Court of Appeals Case No. 11CA353

Petitioner:

Adler Volmar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 5, 2013**

No. 13SC489
Court of Appeals Case No. 12CA2414

Petitioner:

K.R.,

v.

Respondent:

The People of the State of Colorado,
In the Interest of Minor Child: O.C.-R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC490
Court of Appeals Case No. 12CA2089

Petitioner:

D.S.-J.,

v.

Respondent:

The People of the State of Colorado,
In the Interest of Minor Child: J.J.

Petition for Writ of Certiorari DENIED. EN BANC.
