

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
TUESDAY, NOVEMBER 12, 2013**

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"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**

**The Supreme Court of the State of Colorado**  
2 East 14<sup>th</sup> Avenue • Denver, CO 80203

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**[2013 CO 64](#)**

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**[Supreme Court Case No. 11SC813](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA1805

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

\$11,200.00 U.S. Currency and Bradley Edward Strand.

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**Judgment Reversed**

*en banc*

**CHIEF JUSTICE BENDER** delivered the Opinion of the Court.

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**Supreme Court of the State of Colorado**  
2 East 14<sup>th</sup> Avenue • Denver, Colorado 80203

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[2013 CO 65](#)

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[Supreme Court Case No. 13SA107](#)

*Original Proceeding Pursuant to C.A.R. 21*  
Adams County District Court Case No. 10JD700

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**In Re:**

**Petitioner:**

The People of the State of Colorado,

**In the Interest of Child:**

A. A.

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**Rule Discharged**

*en banc*

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**JUSTICE COATS** delivered the Opinion of the Court.

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**Supreme Court of the State of Colorado**  
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[2013 CO 66](#)

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[Supreme Court Case No. 13SA114](#)

*Interlocutory Appeal from the District Court*  
Mesa County District Court Case No. 12CR936  
Honorable David A. Bottger, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Shaun Michael Crum.

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**Order Reversed**

*en banc*

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**JUSTICE EID** delivered the Opinion of the Court.

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**PETITIONS FOR REHEARING**

NONE

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**CASE ANNOUNCEMENTS  
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**PETITIONS FOR WRIT OF CERTIORARI**

No. 12SC156  
Court of Appeals Case No. 09CA487

**Petitioner:**

Joel M. Stovall,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC585  
Court of Appeals Case No. 09CA1747

**Petitioner:**

Charles Dean,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

**Summary of the Issue:**

Whether the court of appeals reversibly erred by holding that it does not violate the equal protection clauses of the United States and Colorado Constitutions to sentence a habitual offender, who was convicted of second degree murder and has no prior violent felony convictions, more harshly than if he had prior violent felony convictions.

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**CASE ANNOUNCEMENTS  
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No. 12SC794  
Court of Appeals Case No. 08CA2039

**Petitioner:**

Brandon Scott Moore,

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 issues:

Whether the trial court erred by allowing the prosecution's expert witnesses to testify that the victim's injuries resulted from "purposefully inflicted" "nonaccidental trauma," and "intentional injury," thus exceeding the scope of their expertise under CRE 702/704 and usurping the jury's role to determine the defendant's culpable mental state.

Whether the cumulative effect of the prosecutor's misconduct in closing argument denied petitioner his constitutional rights to due process and a fair trial by an impartial jury.

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No. 12SC990  
Court of Appeals Case No. 09CA879

**Petitioner:**

Michael Lee Kutz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC996  
Court of Appeals Case No. 11CA2367

**Petitioner:**

Tulips Investments, LLC,

v.

**Respondents:**

State of Colorado ex rel. John W. Suthers, Attorney General for the State of Colorado  
and Laura E. Udis, Administrator, Uniform Consumer Credit Code.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issues:

Whether the court of appeals erred in holding that the district court had jurisdiction to order petitioner to comply with an administrative subpoena that was served up on petitioner in Delaware, requiring petitioner to produce documents at the office of the Attorney General in Colorado or face punishment for contempt.

Whether the court of appeals erred in holding that the Uniform Interstate Depositions and Discovery Act, C.R.S. section 13-90.5-101 et seq., does not provide a means by which the production of the documents sought by the subpoena could have been obtained with the assistance of a Delaware court.

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No. 13SC147  
Court of Appeals Case No. 09CA1687

**Petitioner:**

Diego Olmos Alcalde,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC216  
Court of Appeals Case No. 11CA241

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

David Will Corson.

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

Summary of the Issues:

Whether the court of appeals erred when it reversed the district court's order by carving out an exception to the holding in United States v. Ruiz, 536 U.S. 622 (2002), that the Government is not required to disclose material impeachment evidence prior to entering into a plea agreement with a criminal defendant.

Whether the court of appeals erred as a matter of law when it interpreted Crim. P. 16 in a novel way to conclude that a juvenile adjudication is part of a witness's criminal history, thereby broadly expanding the prosecution's duty to disclose juvenile adjudications.

Whether the court of appeals erred as a matter of law when it concluded that Strickland v. Washington, 466 U.S. 668 (1984), applies to a collateral attack on a guilty plea based on evidence discovered after the guilty plea was entered.

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No. 13SC278  
Court of Appeals Case No. 12CA677

**Petitioner:**

CTS Investments, LLC,  
v.

**Respondents:**

Garfield County Board of Equalization and Board of Assessment Appeals.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 13SC279  
Court of Appeals Case No. 12CA678

**Petitioner:**

CVR Investors, Inc.,

v.

**Respondents:**

Garfield County Board of Equalization and Board of Assessment Appeals.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC306  
Court of Appeals Case No. 11CA2141

**Petitioner:**

Sara L. Burnett,

v.

**Respondent:**

State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

Whether the court of appeals erred in concluding that the government did not waive immunity under section 24-10-106(1)(e), C.R.S. (2013), of the Colorado Government Immunity Act, for injuries caused by a tree limb that fell on a camper in an improved campsite in a state park.

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No. 13SC322  
Court of Appeals Case Nos. 11CA2202 & 12CA192

In re the Marriage of:

**Petitioner:**

Charles B. Bruce, Jr.,  
and

**Respondent:**

Regina T. Drexler.

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

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No. 13SC456  
Court of Appeals Case No. 11CA676

**Petitioner:**

Kevin Edward Sterns,  
v.

**Respondent:**

The People of the State of Colorado.

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

JUSTICE COATS would grant as to the following issue:

Whether section 18-1-1001(1), C.R.S. (2013), authorizes a district court to issue a mandatory protection order when it dismisses a charge alleging a specific victim.

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No. 13SC742  
Court of Appeals Case No. 13CA1661

**Petitioners:**

DSS Uniter, LLC; Dillard Properties, Inc.; Dillard Texas South, LLC; Condev West, Inc.,  
n/k/a Dillard Store Services, Inc.,

v.

**Respondent:**

Longmont Urban Renewal Authority.

Petition for Writ of Certiorari Pursuant to C.A.R. 50 DENIED. EN BANC.

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No. 13SC806  
Court of Appeals Case No. 12CA2266

**Petitioner:**

K.S.,

v.

**Respondent:**

The People of the State of Colorado,  
In the Interest of Minor Children: A.S. and D.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC820  
Court of Appeals Case No. 13CA855

**Petitioner:**

F.W.,

v.

**Respondent:**

The People of the State of Colorado,  
In the Interest of Minor Child: M.C.-D.G.

Petition for Writ of Certiorari DENIED. EN BANC.

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