

**AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 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

2012 CO 43

Supreme Court Case No. 11SA261
Certification of Question of Law
United States Bankruptcy Court for the District of Colorado
Chapter 7 Case No. 09-23209-SBB
Adversary Case No. 11-01378-SBB
Honorable Sidney B. Brooks, Judge

In re: Anthony E. Rivera, Debtor,

Plaintiff:

Harvey Sender, Chapter 7 Trustee,

v.

Defendants:

Norman K. Cygan and Carol S. Cygan.

Petition for Rehearing filed by Defendants GRANTED. The Opinion is WITHDRAWN.
Petition for Rehearing filed by Amicus Curiae Land Title Association of Colorado
DENIED AS MOOT. EN BANC.

**AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013**

PETITIONS FOR WRIT OF CERTIORARI

No. 11SC95
Court of Appeals Case No. 08CA2040

Petitioner/Cross-Respondent:

Myron Dale Mullen,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 11SC858
Court of Appeals Case No. 09CA949

Petitioner:

Dana H. Head,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED, and the judgment of the Colorado Court of Appeals is vacated. The case is remanded to the Colorado Court of Appeals for reconsideration in light of People v. Gallegos, 09SC1084, 2013 CO 45. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 11SC861
Court of Appeals Case No. 09CA1135

Petitioner:

Willie Lee Privette,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC25
Court of Appeals Case No. 10CA473

Petitioner:

Eziquio Deleon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED, and the judgment of the Colorado Court of Appeals is vacated. The case is remanded to the Colorado Court of Appeals for reconsideration in light of People v. Gallegos, 09SC1084, 2013 CO 45. EN BANC.

No. 12SC110
Court of Appeals Case No. 08CA2453

Petitioner:

Tommie Corral Mendoza,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC450

Court of Appeals Case No. 10CA733

Petitioner:

Rodney Thomas McReynolds,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED, and the judgment of the Colorado Court of Appeals is vacated. The case is remanded to the Colorado Court of Appeals for reconsideration in light of People v. Hunter, 10SC146, 2013 CO 48. EN BANC.

No. 12SC485

Court of Appeals Case No. 09CA1348

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Vern Lafayette Faus.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC549
Court of Appeals Case No. 09CA2403

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Todd Kevin Alvarez.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC611
Court of Appeals Case No. 06CA2652

Petitioner/Cross-Respondent:

The People of the State of Colorado,
v.

Respondent/Cross-Petitioner:

Joseph Keith Renander.

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

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC701
Court of Appeals Case No. 09CA1119

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Dean Carbajal.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT would grant as to the following issues:

Whether the court of appeals erred in holding that the trial court abused its discretion when it denied the defendant's petition to discontinue his sex offender registration.

Whether the court of appeals erred in holding that, in People v. Carbajal, 198 P.3d 102 (Colo. 2008), this court implicitly dismissed the order of restitution, even though section 18-1.3-603, C.R.S. (2012), provides that an order of restitution is a final civil judgment that remains in force until it is paid in full.

Whether the court of appeals erred in holding that a denial of a petition to discontinue registration could not be based on a subsequent conviction unless the conviction were for a sex offense, even though a registrant convicted of a sex offense could not petition in the first instance.

No. 12SC723
Court of Appeals Case No. 08CA2245

Petitioner:

Lorenzo Costilla-Luna,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC748
Court of Appeals Case No. 08CA2703

Petitioner:

Kenneth Leroy Fawver,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC762
Court of Appeals Case No. 11CA1463

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Robert Lee Hurtado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC782
Court of Appeals Case No. 11CA877

Petitioner:

1117 Summit Trail Investors, LLC,
v.

Respondents:

Bloom Murr & Accomazzo, P.C. and Joseph Murr.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC792
Court of Appeals Case No. 08CA2477

Petitioner:

Kennith Reid Meadows,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC804
Court of Appeals Case No. 10CA866

Petitioner:

Dominic John Duvall,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC810
Court of Appeals Case No. 07CA895

Petitioner:

Sir Mario Owens,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC850
Court of Appeals Case No. 08CA2394

Petitioner:

Floyd Nuss,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC876
Court of Appeals Case No. 11CA1309

Petitioner:

Mariquita Moran-Butler,

v.

Respondents:

HealthOne/Spalding Rehabilitation Hospital, Transportation Insurance, and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BENDER would grant as to the following issues:

Whether the authority of an administrative law judge under section 8-43-207(1)(i), C.R.S. (2012), to grant reasonable extensions of time “for the taking of any action contained in this article” applies to a request for specific findings of fact and conclusions of law under section 8-43-215(1), C.R.S. (2012).

Whether the summary order provisions of section 8-43-215(1), including the seven-day deadline to request specific findings of fact and conclusions of law, apply to a remand order specifically directing the administrative law judge to “make explicit findings of fact concerning whether there has been an overpayment or underpayment of benefits,” where the administrative law judge’s prior order did not resolve the issue.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC900
Adams County District Court Case No. 12CV615

Petitioner:

David Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID would grant as to the following issue:

Whether the district court erred in holding there was sufficient evidence to prove every element of the charged offense beyond a reasonable doubt.

No. 12SC920
Court of Appeals Case No. 11CA1870

Petitioners:

Arlene Abady, Duane Duffy, Pete M. Montoya, Caitlin and Denali Lowe, Pamela A. Wilson, and Estate of Wallace N. Wilson,

v.

Respondent:

Certain Underwriters at Lloyd's London Subscribing to Mortgage Bankers Bond No. MBB-06-0009.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 12SC955
Court of Appeals Case No. 11CA2099

Petitioner:

Jason Seader,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC1002
Court of Appeals Case No. 11CA1403

Petitioners:

Samuel Robinson and Cheri Robinson,

v.

Respondents:

Stephen Legro and Renee Legro.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in holding that the working dog exemption to section 13-21-124, C.R.S. (2012), applies only when a bite occurs on a dog owner's property or property under his or her control, and that "control" of property exists only if one has the right to exclude others from it.

DENIED AS TO ALL OTHER ISSUES.

**AMENDED CASE ANNOUNCEMENTS
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No. 13SC3
Court of Appeals Case No. 10CA420

Petitioner:

Brett Wayne Sharp,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC9
Court of Appeals Case No. 11CA34

Petitioner:

Miguel Angel Pena-Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether CRE 606(b) bars the admission of juror statements showing evidence of racial bias made during jury deliberations, and if so, whether the defendant's constitutional right to a fair trial nevertheless requires such statements' admission.

DENIED AS TO ALL OTHER ISSUES.

AMENDED CASE ANNOUNCEMENTS
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No. 13SC66
Court of Appeals Case No. 11CA19

Petitioner:

Thomas Deloss Rogers,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC80
Court of Appeals Case No. 11CA1093

Petitioner:

William T. Prester,
v.

Respondent:

Michelle R. Banning.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC101
Court of Appeals Case No. 07CA204

Petitioner:

Alfredo Sanchez-Cortes,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

AMENDED CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, AUGUST 19, 2013

No. 13SC533
Court of Appeals Case No. 12CA2089

Petitioner:

M.S., Jr.,

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.
JUSTICE HOBBS does not participate.

No. 13SC539
Court of Appeals Case No. 13CA377

Petitioners:

S.C. and W.G.,

v.

Respondent:

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

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

***AMENDED CASE ANNOUNCEMENTS
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No. 13SC546

Court of Appeals Case No. 12CA2490

Petitioner:

M.W.,

v.

Respondent:

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

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