

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, FEBRUARY 25, 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**

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

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**[2013 CO 14](#)**

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**[Supreme Court Case No. 10SC853](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 09CA2179

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**Petitioner:**

Mountain States Mutual Casualty Company,

v.

**Respondents:**

Christopher Roinestad and Gerald Fitz-Gerald,

and

Tim Kirkpatrick, d/b/a Hog's Breath Saloon & Restaurant.

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**Judgment Reversed**

*en banc*

**JUSTICE EID** 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 15**

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**Supreme Court Case No. 12SA123**

*Interlocutory Appeal from the District Court*  
Larimer County District Court Case No. 11CR1139  
Honorable Stephen J. Schapanski, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Stephanie Theander.

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**Judgment Reversed**

*en banc*

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

**CHIEF JUSTICE BENDER** dissents, and **JUSTICE HOBBS** and **JUSTICE RICE** join in the dissent.

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**Supreme Court of the State of Colorado**  
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**[2013 CO 16](#)**

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**[Supreme Court Case No. 11SC53](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA522

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**Petitioners/Cross-Respondents:**

A.M., by and through his Guardian ad Litem; and L.H. and R.H.;

v.

**Respondent:**

A.C.,

and

**Respondent/Cross-Respondent:**

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

v.

**Respondent/Cross-Petitioner:**

N.M.

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**Judgment Affirmed in Part and Reversed in Part**  
*en banc*

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

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**PETITIONS FOR REHEARING**

NONE

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**PETITIONS FOR WRIT OF CERTIORARI**

No. 12SC299  
Adams County District Court Case No. 11CV1350

**Petitioner:**

Peter Gregory Cain,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

**Summary of Issue:**

Whether section 42-4-1301(6)(i)(III), C.R.S. (2012), prohibits, for impeachment purposes, admission of Preliminary Breath Test evidence indicating the positive presence of alcohol.

DENIED AS TO ALL OTHER ISSUES.

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No.12SC351  
Court of Appeals Case No. 11CA1046

**Petitioner:**

TCD, Inc.,

v.

**Respondent:**

American Family Mutual Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC420  
Court of Appeals Case No. 10CA1640

**Petitioner:**

L.C. Williams,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC441  
Court of Appeals Case No. 09CA1453

**Petitioner:**

Mary Elaine Bradford,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC454  
Court of Appeals Case No. 09CA616

**Petitioner:**

Saul Deras-Valdez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC459  
Court of Appeals Case No. 05CA1922

**Petitioner:**

Jaime Orlando Garcia,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC526  
Court of Appeals Case No. 09CA781

**Petitioner:**

Craig Arthur Douglas, Jr.,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 12SC543  
Court of Appeals Case No. 11CA1594

**Petitioners:**

Erin A. Young, individually and on behalf of and as next friend of C.Y.; and C.Y., a minor,  
through his parent Erin A Young,  
v.

**Respondent:**

Brighton School District 27J.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred when it declined to address whether a walkway adjacent to a public school playground fell within the “public facility” waiver in section 24-10-106(1)(e) of the Colorado Government Immunity Act and instead concluded that immunity existed under the “public walkway” provision in section 24-10-106(1)(d)(III).

DENIED AS TO ALL OTHER ISSUES.

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No. 12SC602  
Court of Appeals Case No. 11CA166

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Troy Dion Melons.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC631  
Court of Appeals Case No. 11CA1019

**Petitioners:**

St. Vrain Valley School District RE-1J and Cathy O'Donnell,  
v.

**Respondents:**

Alexa Loveland, a minor, by and through her parents and next friends, Randy Loveland and Mary Nicole Loveland; Randy Loveland, Individually; and Mary Nicole Loveland, Individually.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in concluding that a “zip line” apparatus on a public school playground is a “public facility located in any park or recreation area maintained by a public entity” under section 24-10-106(1)(e), C.R.S. (2012) of the Colorado Government Immunity Act.

DENIED AS TO ALL OTHER ISSUES.

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No. 12SC664  
Court of Appeals Case No. 11CA696

**Petitioner:**

The Lodge at Mountain Village Owners Association, Inc.,  
v.

**Respondent:**

Destination Telluride Hotel, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC693  
Court of Appeals Case No. 11CA598

In re the Marriage of:

**Petitioner:**

Luz Maria S. Jimenez,  
and

**Respondent:**

Francisco X. De Leon.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC755  
Court of Appeals Case No. 12CA1628

**Petitioner:**

Colorado Mining Association,  
v.

**Respondents:**

Christopher E. Urbina, in his capacity as Executive Director of the Department of Public Health and Environment for the State of Colorado; Colorado Department of Public Health and Environment; Colorado Air Quality Control Commission; and Air Pollution Control Division, an agency of the State of Colorado.

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

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No. 12SC760  
Court of Appeals Case No. 11CA1646

**Petitioner:**

John Chris Long,  
v.

**Respondent:**

Colorado Department of Revenue, Motor Vehicle Division.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC766  
Weld County District Court Case No. 12CV184

**Petitioner:**

Sean Stoos,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC775  
Court of Appeals Case No. 11CA2146

**Petitioners:**

V. Mark Thomas and Marclyn K. Thomas,

v.

**Respondent:**

Big Timbers Land, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC776  
Court of Appeals Case No. 11CA2145

**Petitioners:**

Todd E. Thomas and Sherri L. Thomas,

v.

**Respondent:**

Emick Farms, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC777  
Court of Appeals Case No. 11CA2147

**Petitioners:**

V. Marc Thomas and Marclyn K. Thomas,  
v.

**Respondent:**

Verda Vista, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC778  
Court of Appeals Case No. 11CA2144

**Petitioners:**

Todd E. Thomas and Sherri L. Thomas,  
v.

**Respondent:**

Rio Vista Investment, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC791  
Court of Appeals Case No. 11CA2339

**Petitioners:**

Hertz Corporation, and Reliance Insurance Company/Colorado Insurance Guaranty  
Association, through Western Guaranty Fund Services,

v.

**Respondents:**

Industrial Claim Appeals Office and Robert G. Rodriguez.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC45  
Court of Appeals Case No. 12CA1503

**Petitioner:**

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

v.

**Respondent:**

L.H.

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

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