

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JUNE 2, 2014**

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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, Colorado 80203

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**[2014 CO 42](#)**

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**[Supreme Court Case No. 13SA33](#)**  
*Original Proceeding in Discipline*  
Appeal from the Hearing Board, 12PDJ013

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In the Matter of John R. Olsen.

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**Order Affirmed in Part and Vacated in Part**  
*en banc*

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

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

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**[2014 CO 43](#)**

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**[Supreme Court Case No. 13SA276](#)**

*Interlocutory Appeal from the District Court*  
Arapahoe County District Court Case No. 12CR2006  
Honorable John L. Wheeler, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Jack Lee Schaufele.

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**Order Affirmed**

*en banc*

**JUSTICE HOOD** announced the judgment of the Court.

**JUSTICE BOATRIGHT** concurs in the judgment, and **CHIEF JUSTICE RICE** joins in the concurrence in the judgment.

**JUSTICE EID** dissents, and **JUSTICE COATS** joins in the dissent.

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**PETITIONS FOR REHEARING**

**NONE**

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**PETITIONS FOR WRIT OF CERTIORARI**

No. 12SC945  
Court of Appeals Case No. 10CA1933

**Petitioner:**

Forrest Arnold Miller, III,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 12SC1027  
Court of Appeals Case No. 10CA788

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Derrick Demetrus Wilson.

Petition for Writ of Certiorari GRANTED. EN BANC.

**Summary of the Issues:**

[REFRAMED ISSUE] Whether the court of appeals erred in applying Batson v. Kentucky, 476 U.S. 79 (1986), by concluding that because a prosecutor's race-neutral explanations for challenging a prospective juror were inconsistent with the record, the record necessarily established that those explanations were pretextual.

Whether the court of appeals failed to give deference to the trial court's two independent reasons for determining that the trial prosecutor did not exercise a peremptory challenge on impermissible grounds.

[REFRAMED ISSUE] Whether Batson violations are subject to harmless error analysis or constitute structural error.

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No. 13SC115  
Court of Appeals Case No. 09CA2404

**Petitioner:**  
The People of the State of Colorado,  
v.  
**Respondent:**  
Romielo Rodriguez.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

Whether the court of appeals erred by automatically reversing rather than remanding the case for further findings after it concluded that the trial court conducted an inadequate Batson analysis under Batson v. Kentucky, 476 U.S. 79 (1986).

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No. 13SC341  
Court of Appeals Case No. 10CA469

**Petitioner:**  
Cutberto Garcia-Barrios,  
v.  
**Respondent:**  
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT and JUSTICE HOOD would grant as to the following issue:

Whether a trial court must grant a causal challenge to a former police officer who believes in a presumption of guilt, states he is biased in favor of prosecutors and police and against defendants, never repudiated these biases or beliefs, and did not agree to follow the law or be fair and impartial.

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No. 13SC507  
Court of Appeals Case No. 09CA903

**Petitioner:**

Eddie Lee Hopkins,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC717  
Court of Appeals Case No. 11CA2356

**Petitioner/Cross-Respondent:**

Colorado West Insurance Services, Inc.,

v.

**Respondents/Cross-Petitioners:**

Malaga, LLC, a Nevada limited liability company, and Edson Hutchinson.

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

Summary of the Issues:

[REFRAMED ISSUE] Whether the court of appeals erred when it determined that Malaga could not recover certain damages from Colorado West Insurance Services, Inc. without giving Malaga an opportunity to be heard.

[REFRAMED ISSUE] Whether, as a matter of law, the policyholder waived privilege by placing protected information related to Malaga's settlement negotiations with Old Vine and Mountain States "at issue" by asserting a negligence claim against the insurer's agent.

DENIED AS TO ALL OTHER ISSUES.

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No. 13SC838  
Court of Appeals Case No. 11CA459

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Reginald Marcus Porter.

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

Summary of the Issue:

Whether double jeopardy bars a new habitual criminal sentencing hearing when the trial court, prior to the People's presentation of any habitual criminal count evidence, erroneously granted the defendant's motion to dismiss the habitual counts.

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