

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

"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 14th Avenue • Denver, Colorado 80203

[2014 CO 4](#)

[Supreme Court Case No. 13SA148](#)

Appeal Pursuant to Section 31-10-1305, C.R.S. (2013),
Saguache County District Court Case No. 13CV30009
Honorable Martin A. Gonzales, Judge

In Re:

Plaintiffs:

Maurice C. Jones, an individual and Citizen Center, a Colorado non-profit corporation,

v.

Defendants:

Christian R. Samora, in his official capacity as Clerk & Treasurer of the Town of Center, Colorado; Town of Center Colorado, a Colorado statutory town; Herman Dickey Sisneros, an individual; Edward W. Garcia, an individual; and Geraldine Martinez, an individual.

Judgment Reversed

en banc

JUSTICE HOBBS delivered the Opinion of the Court.

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

[2014 CO 5](#)

[Supreme Court Case No. 11SC926](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA2176

Petitioners:

Harman-Bergstedt, Inc., d/b/a Kentucky Fried Chicken and Zurich American
Insurance Company,

v.

Respondents:

Elaine Loofbourrow and Industrial Claim Appeals Office.

Judgment Affirmed
en banc

JUSTICE COATS delivered the Opinion of the Court.

PETITIONS FOR REHEARING

NONE

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

PETITIONS FOR WRIT OF CERTIORARI

No. 12SC893
Logan County District Court Case No. 11CV60

Petitioner:

Gilbert Dean Schuman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 12SC989
Court of Appeals Case No. 09CA461

Petitioner:

Phuong Van Dang,

v.

Respondent:

The People of the State of Colorado.

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

No. 12SC993
Court of Appeals Case No. 09CA2772

Petitioner:

Dale Matthew Waite,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC17
Court of Appeals Case No. 11CA1429

Petitioner:

DeWayne Lowery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC22
Court of Appeals Case No. 09CA2020

Petitioner:

Kevin Duane Stunes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC54
Court of Appeals Case No. 11CA410

Petitioner:

Nijah Omar Dennis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC158
Court of Appeals Case No. 09CA2330

Petitioner:

David James Hanson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC188
Court of Appeals Case No. 10CA2046

Petitioner:

Randy L. Montoya,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC194
Court of Appeals Case No. 08CA2468

Petitioner:

Delmart Michael Edward Vreeland,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC249
Court of Appeals Case No. 12CA1311

Petitioner:

Charles Dale Wollnick,

v.

Respondents:

Karen Benson, Administrator and Robert Douglas Wollnick.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC253
Court of Appeals Case No. 11CA1455

Petitioner:

John McKinley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC266
Court of Appeals Case No. 13CA155

Petitioner:

Larry Gordon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014

No. 13SC268
Court of Appeals Case No. 11CA1958

Petitioner:

Keri Marie Sorenson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT would grant as to the following issue:

Whether the trial court improperly considered its own opinion of the petitioner's guilt--irrespective of the jury verdicts -- and erroneously held that the petitioner's trespass proximately caused injuries to a person.

No. 13SC284
Court of Appeals Case No. 11CA2571

Petitioner:

Jaime Perez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC287
Court of Appeals Case No. 10CA1280

Petitioner:

Damon A. Fields,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC297
Court of Appeals Case No. 12CA478

Petitioner:

James T. Gettings,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC301
Court of Appeals Case No. 12CA887

Petitioner:

School District No. 1, City and County of Denver, Colorado,

v.

Respondent:

Scott Hansen.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC302
Court of Appeals Case No. 12CA1630

Petitioner:

School District No. 1, City and County of Denver, Colorado,

v.

Respondent:

Scott Hansen.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC327
Court of Appeals Case No. 10CA1433

Petitioner:

Anita Rose Montoya,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC331
Court of Appeals Case No. 12CA2611

Petitioner:

Suzette M. Buss,

v.

Respondents:

Industrial Claim Office of the State of Colorado and QLAllison Care Center, LLC d/b/a
Allison Care Center LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC342
Court of Appeals Case No. 10CA1377

Petitioner:

Jose Delaluz Torres-Munoz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC351
Court of Appeals Case No. 11CA196

Petitioner:

Jody Jowell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC352
Court of Appeals Case No. 12CA133

In re the Parental Responsibilities of
A.D.H.M., child,

Petitioner:

Joan M. Havens,

v.

Respondent:

Lonnie A. Mullen.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014

No. 13SC357
Court of Appeals Case No. 12CA22

Petitioner:

Deborah A. Sanders,

v.

Respondent:

Frank Chae, MD.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC369
Court of Appeals Case No. 11CA1692

Petitioner:

Ira Dwayne Brown,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC389
District Court, City and County of Denver, Case No. 12CV982

Petitioner:

Sergey G. Novitskiy,

v.

Respondent:

The City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC390
Court of Appeals Case No. 11CA2497

Petitioner:

Brian Gross,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC394
Court of Appeals Case Nos. 12CA595 & 12CA1704

Petitioner:

Brandon Coats,

v.

Respondent:

Dish Network, LLC.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the Lawful Activities Statute, section 24-34-402.5, protects employees from discretionary discharge for lawful use of medical marijuana outside the job where the use does not affect job performance.

Whether the Medical Marijuana Amendment makes the use of medical marijuana “lawful” and confers a right to use medical marijuana to persons lawfully registered with the state.

JUSTICE MÁRQUEZ does not participate.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 27, 2014**

No. 13SC401
Court of Appeals Case No. 11CA1032

Petitioner:

Michael Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC404
Court of Appeals Case No. 12CA457

Petitioner:

Board of County Commissioners of Summit County,

v.

Respondents:

James Hazel and Jason Rodgers.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

[REFRAMED ISSUE] Whether the court of appeals erred by holding that under C.R.C.P. 50, a trial court cannot direct a verdict as to some but not all issues within a single claim against a single defendant.

DENIED AS TO ALL OTHER ISSUES.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
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No. 13SC416
Court of Appeals Case No. 13CA129

Petitioner:

Rodolfo Rivera, Jr.,

v.

Respondent:

Division of Unemployment Insurance EUC Team and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 13SC565
Court of Appeals Case No. 09CA2024

Petitioner:

Jose Fidel Martinez-Soto,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
