

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 2, 2015**

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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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**[2015 CO 12](#)**

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**[Supreme Court Case No. 14SA235](#)**

*Appeal from the District Court*

District Court, City and County of Broomfield, Case No. 13CV30306

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**Plaintiffs-Appellants:**

Enrico Figueroa, Brian Vande Krol, Joseph Holt, Mark Rule, and Melissa Wills,  
and

**Plaintiff-Intervenor:**

Wayne W. Williams, in his official capacity as Colorado Secretary of State,  
v.

**Defendant-Appellee:**

Amy Speers,  
and

**Intervenors-Appellees:**

Karen Marquez, Nicole S. Hanlen, James H. Joy, and David J. Rodenbaugh.

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**Judgment Affirmed**  
*en banc*

CHIEF JUSTICE RICE delivered the Opinion of the Court.

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PETITIONS FOR REHEARING

NONE

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GRANTED ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21

NONE

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PETITIONS FOR WRIT OF CERTIORARI

No. 13SC643  
Court of Appeals Case No. 10CA2361

**Petitioner:**

Mackenzie Cory Calhoun,  
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. 14SC56  
Court of Appeals Case No. 10CA2608

**Petitioner/Cross-Respondent:**

The People of the State of Colorado,

v.

**Respondent/Cross-Petitioner:**

Quinten Poncho Abeyta.

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

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

Whether the court of appeals erred in concluding that the trial court committed reversible error by excluding evidence of the defendant's mental slowness at his trial on the charge of evidence tampering, given that the parties agreed before trial that such evidence would not be introduced.

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No. 14SC166  
Court of Appeals Case No. 10CA1340

**Petitioner:**

Matthew James Watkins,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 2, 2015**

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No. 14SC173  
Court of Appeals Case No. 10CA1153

**Petitioner:**

Jesse Daniel Sifuentes,

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. 14SC190  
Court of Appeals Case No. 11CA434

**Petitioner:**

Nathan Gayle Ybanez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issues:

[ADDITIONAL ISSUE] Whether the court of appeals properly applied plain error review to the defendant's claim that a guardian ad litem should have been appointed, when there was no objection at trial or the initial Crim. P. 35(c) motion.

Whether a child charged as an adult with first-degree murder, whose parent is a victim of the crime and a prosecution witness, is entitled to a guardian ad litem to assist with his defense and to advise him regarding the waiver of his constitutional trial rights.

Whether a lawyer's conflict of interest constitutes ineffective assistance of counsel where: (1) he received payment to represent a child from the child's parent, who is a victim of the crime and a prosecution witness; (2) he failed to put a waiver of the conflict on the record, as required by this court's authority; and (3) he failed to conduct any investigation of the parent's abuse of the child and presented no evidence of this abuse at trial.

Whether the court of appeals erred according to Miller v. Alabama, 132 S. Ct. 2455 (2012), in instructing the district court to resentence petitioner to life in prison with no possibility of parole until after forty years.

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No. 14SC325  
Court of Appeals Case No. 10CA1676

**Petitioner:**

Larry Neil Grant,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC452  
Court of Appeals Case No. 11CA1279

**Petitioner:**

Derick Laquan Campbell,

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. 14SC517  
El Paso District Court Case No. 13CV31542

**Petitioner:**

Monica Roberts,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

[REFRAMED] Whether a defendant may assert self-defense as an affirmative defense to the specific intent crime of harassment under section 18-9-111(1)(a), C.R.S. (2014).

DENIED AS TO ALL OTHER ISSUES.

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No. 14SC526  
Court of Appeals Case No. 13CA1023

**Petitioner:**

James R. Dawson, Jr.,

v.

**Respondents:**

Warden of the Colorado Territorial Correctional Facility and Executive Director of the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC543  
Court of Appeals Case No. 14CA981

**Petitioner:**

Lindsay Harding,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC556  
Court of Appeals Case No. 12CA1150

**Petitioner:**

Dennis Barnum,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC557  
Court of Appeals Case No. 12CA1617

**Petitioner:**

Scott Duffer,

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. 14SC567  
Court of Appeals Case No. 13CA128

**Petitioner:**

James K. Conkleton,

v.

**Respondents:**

Colorado Board of Parole; Anthony Young, Chairman of the Board of Parole; Patricia Waak, Parole Board Member; and Denise Basazic, Parole Board Member.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC569  
Court of Appeals Case No. 10CA1219

**Petitioner:**

Jordan Gallentine,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC575  
Court of Appeals Case No. 11CA2220

**Petitioner:**

Lewis Floyd April,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC605  
Court of Appeals Case No. 12CA115

**Petitioner:**

Henry W. Stone,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC606  
Court of Appeals Case No. 12CA1337

**Petitioner:**

Josh Hendren,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC626  
Court of Appeals Case No. 13CA1082

**Petitioner:**

Lifetouch Church Directories and Portraits,

v.

**Respondents:**

Colleen Ingalsbe, Summerfield Studios d/b/a My Church Family Album, and Mark Irwin.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC652  
Court of Appeals Case No. 11CA557

**Petitioner:**

Earl Hamilton Brauch,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC669  
Court of Appeals Case No. 12CA1606

**Petitioner:**

Karen Sue Stevens,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC674  
Court of Appeals Case No. 12CA2034

**Petitioner:**

Alford Mannix,

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. 14SC684  
Court of Appeals Case No. 12CA1678

**Petitioner:**

Anthony S. Bowers,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC685  
Court of Appeals Case No. 13CA890

**Petitioner:**

Warney R. Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC688  
Court of Appeals Case No. 12CA2117

**Petitioner:**

James L. Anderson,

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. 14SC690  
Court of Appeals Case No. 13CA149

**Petitioner:**

Martin J. Flannery,

v.

**Respondent:**

21<sup>st</sup> Century Security Insurance Co. f/k/a AIG Insurance Co.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC691  
Court of Appeals Case No. 13CA1632

**Petitioner:**

Neil Francis Creeden,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC694  
Court of Appeals Case No. 13CA831

**Petitioner:**

Edward Cudahy,

v.

**Respondents:**

Frederic Eagen and Dwight Ingram.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC696  
Court of Appeals Case No. 13CA1352

**Petitioner:**

City and County of Denver, a municipal corporation,

v.

**Respondents:**

Mathew Carothers and the Career Service Board of the City and County of Denver, a Colorado municipal corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC697  
Court of Appeals Case No. 12CA2528

**Petitioner:**

Fernando A. Duran,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC698  
Court of Appeals Case No. 11CA2176

**Petitioner:**

Cordell Dominick Robinson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC706  
Court of Appeals Case No. 12CA2347

**Petitioner:**

James Anthony Aguilar,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC708  
Court of Appeals Case No. 13CA1353

**Petitioner:**

Christina Toledo,

v.

**Respondents:**

University of Colorado; Dr. Maeva Felle, MD; Dr. Marsha Wheeler, MD; and Dr. Elisabeth Aron, MD.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC713  
Court of Appeals Case No. 12CA1107

**Petitioner:**

K.C.B.,

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. 14SC723  
Court of Appeals Case No. 11CA1297

**Petitioner:**

Clarence F. Banks, III,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC726  
Court of Appeals Case No. 13CA1105

**Petitioner:**

Maria Montoya,

v.

**Respondent:**

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

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC727  
Court of Appeals Case No. 13CA1093

**Petitioner:**

Trinidad Sanson,

v.

**Respondents:**

North Colorado Medical Center and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS**  
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No. 14SC735  
Court of Appeals Case No. 14CA1261

**Petitioner:**

Steven R. Rader,

v.

**Respondents:**

U.S. Bank, National Association as Successor to Wachovia Bank and National Association as Trustee for the certificate holders of Mastr Alternative Loan Trust 2004-1 Mortgage Pass-through Certificates Series 2004-1 for an Order authorizing the public trustee to sell certain real estate under a power of sale contained in a deed of trust.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC736  
Court of Appeals Case No. 13CA2251

**Petitioner:**

James Arlen Childs,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
CHIEF JUSTICE RICE and JUSTICE COATS do not participate.

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No. 14SC737  
Court of Appeals Case No. 12CA684

**Petitioner:**

Alexander L. Stanley,

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. 14SC742  
Court of Appeals Case No. 13CA1159

**Petitioner:**

Lisa Renee Williams,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC743  
Court of Appeals Case No. 13CA1062

**Petitioner:**

Cruz Anthony Carbajal,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC751  
Court of Appeals Case Nos. 12CA2574, 12CA2597, and 12CA2581

**Petitioner:**

Michael Joseph Harrison,

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. 14SC752  
Court of Appeals Case No. 12CA271

**Petitioner:**

Christopher Robin Hobdy,

v.

**Respondent:**

The People of the State of Colorado.

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

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No. 14SC755  
Court of Appeals Case No. 12CA337

**Petitioner:**

John Matthew Hilf,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC757  
Court of Appeals Case No. 12CA1172

**Petitioner:**

Kudakwashe Kamangirira,

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. 14SC762  
Court of Appeals Case No. 13CA1365

**Petitioner:**

Janet Walcott,

v.

**Respondents:**

Colorado Public Employees' Retirement Association; Gregory W. Smith, Director; and Brian Pippin, Benefit Services Division.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC765  
Court of Appeals Case No. 12CA1742

**Petitioner:**

Charles Alston Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC770  
Court of Appeals Case No. 11CA795

**Petitioner:**

John Patrick Sackett,

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. 14SC773

Court of Appeals Case No. 11CA2411

**Petitioner:**

Neil D. Bouvart,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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