

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

"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

[2016 CO 17](#)

[Supreme Court Case No. 14SA348](#)

Appeal from the District Court

Weld County District Court, Water Division 1, Case No. 10CW320

Honorable James F. Hartmann, Water Judge

Concerning the Application for Water Rights of County of Boulder in Boulder County

Applicant-Appellant:

County of Boulder, a body corporate and politic,

v.

Opposers-Appellees:

Boulder and Weld County Ditch Company, Water Users Association of District No. 6, The
Farmers Reservoir and Irrigation Company, City of Boulder, Town of Erie, and City of
Lafayette,

and

**CASE ANNOUNCEMENTS
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Appellees:

State Engineer and Division Engineer for Water Division No. 1.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

JUSTICE COATS concurs in the judgment only, and **JUSTICE EID** joins in the concurrence in the judgment only.

PETITIONS FOR REHEARING

NONE

CERTIFICATION OF QUESTION OF LAW PURSUANT TO C.A.R. 21.1

No. 15SA281, In re: Johnson, Lisa v. School District No. 1

United States Court of Appeals for the Tenth Circuit.

Question ACCEPTED ON March 18, 2016.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

PETITIONS FOR WRIT OF CERTIORARI

No. 15SC287
Court of Appeals Case No. 11CA2607

Petitioner:

Burnell Darryl Peppers,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC373
Court of Appeals Case No. 12CA2169

Petitioner:

Robert Turner,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC386
Court of Appeals Case No. 11CA2608

Petitioner:

Burnell Darryl Peppers,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC413
Court of Appeals Case No. 12CA1442

Petitioner:

Michael Anthony Ardia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC459
Court of Appeals Case No. 13CA400

Petitioner:

Jose Angel Parra,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC466
Court of Appeals Case No. 13CA39

Petitioner:

David Monroe Bean,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC487
Court of Appeals Case No. 12CA103

Petitioner:

Garey Cisco Proctor,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC489
Court of Appeals Case No. 11CA1805

Petitioner:

Kyle Ryan Stirzinger,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC503
Court of Appeals Case No. 12CA2142

Petitioner:

Lisa Marie Lambert,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC517
Court of Appeals Case No. 14CA748

Petitioner:

Theodore Wolfen Dyer, Individually and as the Personal Representative of the Estate of Dorothy Anne Dyer,

v.

Respondent:

Frederick James Dyer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC552
Court of Appeals Case No. 12CA2067

Petitioner:

Tyler Michael Winters,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC554
Court of Appeals Case No. 11CA2087

Petitioner:

Corey Arnett Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC563
Eagle County District Court Case No. 14CV30277

Petitioner:

Erica Cleaver n/k/a Klausung,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC611
Court of Appeals Case No. 13CA1761

Petitioner:

Harley David Sharp,

v.

Respondent:

The People of the State of Colorado.

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

No. 15SC613
Court of Appeals Case No. 11CA2603

Petitioner:

Allen Wayne Stewart,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC644
Court of Appeals Case No. 13CA2051

Petitioner:

Willie Dee Hayward, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC672
Court of Appeals Case No. 13CA464

Petitioner:

Tracy L. Spencer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC682
Court of Appeals Case No. 13CA553

Petitioner:

Erick John Stephens,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC694
Court of Appeals Case No. 14CA338

Petitioner:

Thomas J. Howell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC701
Court of Appeals Case No. 13CA2283

Petitioners:

Crea J. McMullin and Martha E. McMullin,

v.

Respondent:

John Hauer, individually and on behalf of homeowners association of Two Rivers Estates; Sena Hauer, individually and on behalf of homeowners association of Two Rivers Estates; Lincoln Trust FBO John Hauer; Joseph Conrado; and Kelly Conrado.

Petition for Writ of Certiorari GRANTED. EN BANC.
JUSTICE GABRIEL DOES NOT PARTICIPATE.

Summary of Issue:

[REFRAMED] Whether the court of appeals erred in holding that Two Rivers Estates is a common interest community by implication.

DENIED AS TO ALL OTHER ISSUES.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016

No. 15SC736
Court of Appeals Case No. 14CA835

Petitioners:

HBG Neighborhood and Community Organization, a Colorado non-profit corporation organized under the laws of the State of Colorado and registered with the City of Lakewood as a Neighborhood and Community Organization; Paul Campbell; Mary Campbell; Heather Wenger; William Marcoux; Joni Marcoux; Michael Bugarin; Gordon Erskine; Pauline Erskine; Brett Johnson; and Tracy Gibbons;

v.

Respondent:

City of Lakewood, a municipal corporation, State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC

No. 15SC742
Court of Appeals Case No. 13CA2110

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Alexander L. Wolf.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in holding Amendment 64 applies retroactively.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC746
Jefferson County District Court Case No. 15CV30065

Petitioner:

Rourke Harris,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC752
Court of Appeals Case No. 12CA2607

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Pamela Kathleen Boyd.

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

Summary of Issue:

Whether the court of appeals erred in holding Amendment 64 applies retroactively.

DENIED AS TO ALL OTHER ISSUES.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC782

District Court, City and County of Denver, Case No. 14CV32153

Petitioner:

Moses Bellamy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC785

Court of Appeals Case No. 12CA1771

Petitioner:

Wesley Adam Specht,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC786

Court of Appeals Case No. 12CA2132

Petitioner:

Darold Norman Hinojos,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC790
Larimer County District Court Case No. 15CV30172

Petitioner:

Eric Scott Noffsinger,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC821
Court of Appeals Case No. 12CA1872

Petitioner:

Sergio A. Barron,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC830
Boulder County District Court Case No. 14CV31262

Petitioner:

Edward Robert Ryan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC833
Court of Appeals Case No. 13CA1828

Petitioner:

Ryan Michael Cantor,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC834
Court of Appeals Case No. 12CA2505

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Dennis Spencer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC851
District Court, Adams County, Case No. 14CV32179

Petitioner:

City of Westminster,

v.

Respondent:

Spencer Olguin.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC853
Court of Appeals Case No. 14CA1271

Petitioners:

Delberta Susi Gida and John Gida,

v.

Respondents:

Chris D. Guadagnoli and Safe Site, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC855
Court of Appeals Case No. 12CA2601

Petitioner:

Tyrel Jordan Walker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC865
Court of Appeals Case No. 14CA1620

Petitioner:

James William DeHaven,

v.

Respondents:

Law Firm of Peter B. Albani and Robert Grossman.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC898
Court of Appeals Case No. 14CA1120

Petitioner:

Nathan Ybanez

v.

Respondents:

Colorado Department of Corrections; Rick Raemisch, in his official capacity as the Executive Director of the Colorado Department of Corrections; Sterling Correctional Facility; and James Falk, in his official capacity as the Warden of the Sterling Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC904
Court of Appeals Case No. 13CA1909

Petitioner:

Anthony Colman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC928
Court of Appeals Case No. 13CA931

Petitioner:

Frani Lisa Olivas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC936
Court of Appeals Case No. 14CA69

Petitioner:

Erick Salazar-Rivasplata,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC940
Court of Appeals Case No. 15CA1163

Petitioner:

Harry Herceglic,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC944
Court of Appeals Case No. 14CA1777

Petitioner:

Dawn Marie Scott,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC946
Court of Appeals Case No. 13CA1345

Petitioner:

Mirner Herman Brown, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC951
Court of Appeals Case No. 14CA1516

Petitioner:

Jason Daniel Spicer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC952
Court of Appeals Case No. 12CA2452

Petitioner:

Joseph Nelson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, MARCH 21, 2016**

No. 15SC953
Court of Appeals Case No. 13CA1009

Petitioner:

Andre Lavar Isler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC954
Court of Appeals Case No. 13CA824

Petitioner:

Coyle Lovell Kennedy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC955
Court of Appeals Case No. 13CA1013

Petitioner:

Travis James Barela,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, MARCH 21, 2016**

No. 15SC957
Court of Appeals Case No. 14CA692

In re the Parental Responsibilities of K.A.B., Minor Child

Petitioners/Cross-Respondents:

S.B., J.B., and C.T. n/k/a C.M.,
v.

Respondent/Cross-Petitioner:

R.M.

Cross-Petition for Writ of Certiorari is DENIED. Petition for Writ of Certiorari of C.M. is DENIED. Petition for Writ of Certiorari of S.B. and J.B. is GRANTED as to the following issue: Whether the court of appeals opinion conflicts with this court's recently decided case, In re Baby A, 2015 CO 72, 363 P.3d 193.

The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of In re Baby A, 2015 CO 72, 363 P.3d 193. EN BANC.

DENIED AS TO ALL OTHER ISSUES.

No. 15SC959
Court of Appeals Case No. 14CA2255

Petitioner:

Michael Joseph Wirsing,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, MARCH 21, 2016**

No. 15SC960
Court of Appeals Case No. 14CA711

Petitioner:

Shawn Calvin Watkins,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC961
Court of Appeals Case No. 13CA765

Petitioner:

Randall M. Minor,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC982
Court of Appeals Case No. 14CA140

Petitioner:

Eric George Sokolik,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, MARCH 21, 2016**

No. 15SC983
Court of Appeals Case No. 13CA1792

Petitioner:

Robert Anthony Pemberton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC984
Court of Appeals Case No. 15CA1113

Petitioner:

Kevin D. Workman,

v.

Respondents:

Goodwill Industries of Denver and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC985
Court of Appeals Case No. 14CA58

Petitioner:

Waldo Mackey,

v.

Respondents:

Executive Director of the Colorado Department of Corrections, Lt. Beneze, M. Garcia, Marshall Griffith, Joy Hart, Mira Loingloss, Kirk Machin, Major Miklich, Diana Miller, Keith Nordell, R. Viola, and Lt. Worthen.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 15SC987
Court of Appeals Case No. 12CA1937

Petitioner:

Roney H. McConnell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC988
Court of Appeals Case No. 13CA1211

Petitioner:

Domingo Michael Padilla,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 15SC1062

Court of Appeals Case No. 14CA1348

Petitioners:

School District No. 1, in the City and County of Denver; Colorado State Board of Education Members; Valentina Flores; Debora Scheffel; Pam Mazanec; Steve Durham; Marcia Neal; Jane Goff; Joyce Rankin; and Angelika Schroeder in their official capacities as members of the Colorado State Board of Education,

v.

Respondents:

Cynthia Masters, Michelle Montoya, Mildred Anne Kolquist, Lawrence Garcia, Paula Scena, Jane Harmon, Lynne Rerucha, and Denver Classroom Teachers Association.

Petitions for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether promises made in now-repealed tenure statutes passed in the 1950s and 1960s contractually bind the General Assembly, preventing it from altering the policy of “forced placement” for current schoolteachers.

Whether in debating and voting on S.B. 191, the General Assembly satisfied due process for teachers who were previously entitled to “forced placement.”

Whether, given this Court’s modern contract clause precedent, the court of appeals erred in finding that a legislative contract exists that prevents the Legislature from amending the statute regulating public school teachers’ employment.

Whether the court of appeals erred in holding that Howell v. Woodlin School District, 596 P.2d 56 (Colo. 1979) mandates that Plaintiffs-Respondents were due additional process beyond the legislative process.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2016**

No. 16SC49
Court of Appeals Case No. 13CA476

Petitioner:

Daniel Matthew Krajnik,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
