

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 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 50](#)

[Supreme Court Case No. 14SC176](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 12CA719

Petitioner:

Menda K. Warne,

v.

Respondent:

Bill J. Hall.

Judgment Reversed in Part and Affirmed in Part
en banc

JUSTICE COATS delivered the Opinion of the Court.
JUSTICE GABRIEL dissents, and **JUSTICE MÁRQUEZ** and **JUSTICE HOOD** join in the dissent.

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

[2016 CO 51](#)

[Supreme Court Case No. 14SC66](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 12CA1014

Petitioner:

John Van Rees, Sr., d/b/a ExquisiteCrystals.com,

v.

Respondent:

Unleaded Software, Inc., a/k/a The Unleaded Group.

Judgment Affirmed in Part and Reversed in Part
en banc

JUSTICE EID delivered the Opinion of the Court.

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

[2016 CO 52](#)

[Supreme Court Case No. 16SA92](#)
Interlocutory Appeal from the District Court
Weld County District Court Case No. 15CR1408
Honorable Thomas Quammen, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Victor Zuniga.

Order Reversed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.
JUSTICE HOOD dissents.

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The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

[2016 CO 53](#)

[Supreme Court Case No. 15SC87](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA1798

Petitioner:

Pinnacol Assurance,

v.

Respondents:

Norma Patricia Hoff; Hernan Hernandez; Alliance Construction & Restoration, Inc.; MDR Roofing, Inc.; and Industrial Claim Appeals Office of the State of Colorado.

Judgment Reversed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

JUSTICE GABRIEL concurs.

JUSTICE COATS dissents, and **CHIEF JUSTICE RICE** and **JUSTICE EID** join in the dissent.

**CASE ANNOUNCEMENTS
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PETITIONS FOR REHEARING

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

[2016 CO 37](#)

[Supreme Court Case No. 14SC787](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA461

Petitioner:

Open Door Ministries,

v.

Respondent:

Jesse N. Lipschuetz.

Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.

*CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016*

PETITIONS FOR WRIT OF CERTIORARI

No. 15SC653
Court of Appeals Case No. 14CA1637

Petitioner:

Christine Hanson,

v.

Respondent:

Pagosa Lakes Property Association.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC698
Court of Appeals Case No. 13CA973

Petitioner:

Jimmy Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC699
Court of Appeals Case No. 12CA1238

Petitioner:

Louie Albert Lucero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016**

No. 15SC826
Court of Appeals Case No. 12CA1851

Petitioner:

William Wake,

v.

Respondent:

The People of the State of Colorado.

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

No. 15SC835
Court of Appeals Case No. 12CA1639

Petitioner:

Betty Hooks,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC867
Court of Appeals Case No. 10CA416

Petitioner:

Rodricke Mikel Martin Shari,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016

No. 15SC909
Court of Appeals Case No. 12CA2341

Petitioner:

Troy Allen Hendrickson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC976
Court of Appeals Case No. 12CA1490

Petitioner:

Joshua Bohne,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT would grant as to the following issue:

Whether the court of appeals erred when it held the State met its burden to prove section 18-3-206(1)(a), C.R.S. (2015)'s requirement that a criminal defendant used "any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon."

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016**

No. 15SC1036
Court of Appeals Case No. 13CA1005

Petitioner:

Robert Darius Black,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1045
Court of Appeals Case No. 14CA970

Petitioners:

Louise Eskanos, David Supperstein, and Barbara Supperstein,

v.

Respondents:

Paula N. Neal; William L. Neal, Jr.; and Ross Auction House, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1050
District Court, City and County of Denver, Case No. 15CV305

Petitioner:

Heidi Sue Harris,

v.

Respondent:

Real Property Management.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016**

No. 15SC1063
Court of Appeals Case No. 14CA2102

Petitioners:

Derek Richter, Daniel Schaefer, Eric Ewing, and Ken Harris,

v.

Respondent:

David Cabbage.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1083
Court of Appeals Case No. 13CA737

Petitioner:

Jeremy Stephen Lovato,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1084
Weld County District Court Case No. 15CV30461

Petitioner:

Michael Barton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016

No. 15SC1086
Court of Appeals Case No. 14CA30

Petitioner:

Dominic Chee Marks,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1100
Court of Appeals Case No. 14CA2340

Petitioner:

Melvin Keith Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC2
Court of Appeals Case No. 11CA1799

Petitioner:

Andrew Paul Tulowetzke,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016**

No. 16SC10
Court of Appeals Case No. 13CA1297

Petitioner:

Ludin Sanchez-Gallegos,

v.

Respondent:

The People of the State of Colorado.

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

No. 16SC24
Court of Appeals Case No. 12CA2407

Petitioner:

Linda Ecco Dalton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC25
Court of Appeals Case No. 13CA975

Petitioner:

Julio Sesar Ortiz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
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MONDAY, JUNE 27, 2016

No. 16SC27
Court of Appeals Case No. 12CA2408

Petitioner:

Bob Van Nguyen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC29
Court of Appeals Case No. 13CA294

Petitioner:

Davin Burke Reinhart,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC33
Court of Appeals Case No. 11CA1937

Petitioner:

Roberto Domingo Mendez-Aguilar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, JUNE 27, 2016**

No. 16SC38
Court of Appeals Case No. 14CA2021

In re the Parental Responsibilities Concerning M.R.Z., a Child

Petitioner:

Travis Zufelt,

v.

Respondent:

Becky Ann Joosten.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC40
Court of Appeals Case No. 13CA799

Petitioner:

Awath Basem Hammad,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC53
Court of Appeals Case No. 13CA483

Petitioner:

Chad Oneal Jones,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 16SC60
Court of Appeals Case No. 14CA1529

Petitioner:

Paul M. Harland,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC62
Court of Appeals Case No. 14CA1248

Petitioner:

Manuel L. Villalobos,

v.

Respondent:

Colorado Department of Revenue.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC63
Court of Appeals Case No. 12CA2036

Petitioner:

Julian Bermea Gonzales,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 16SC64
Court of Appeals Case No. 13CA1921

Petitioner:

Anthony Maurice Hammond,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC69
Court of Appeals Case No. 14CA437

Petitioner:

Deon Shauntae Sneed,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC70
Court of Appeals Case No. 14CA141

Petitioner:

Benjamin David Gilmore,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
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No. 16SC71
Court of Appeals Case No. 13CA1796

Petitioner:

Mervoil E. Winn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC74
Court of Appeals Case No. 13CA2273

Petitioner:

Isaac Benavidez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC92
Court of Appeals Case No. 13CA481

Petitioner:

James Raymond Gurule,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
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MONDAY, JUNE 27, 2016

No. 16SC94
Court of Appeals Case No. 15CA81

Petitioner:

Akeem A. Makeen,

v.

Respondent:

Robert Lewis McGahey in his official capacity, as a Denver District Judge of the Denver District Court and The State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC99
Court of Appeals Case No. 13CA1762

Petitioner:

Jose Humberto Garcia, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC101
El Paso County District Court Case Nos. 14CV31133, 15CV33166 and 15CV33216

Petitioner:

William Stumpe,

v.

Respondent:

Pine Creek Village Association, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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MONDAY, JUNE 27, 2016**

No. 16SC107
Court of Appeals Case No. 13CA1773

Petitioner:

Jose A. Olivas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC109
Court of Appeals Case No. 14CA18

Petitioner:

Demian R. Weigle,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC110
Court of Appeals Case No. 14CA2216

Petitioner:

Donald G. Acree,

v.

Respondent:

The People of the State of Colorado.

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

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016

No. 16SC111
Court of Appeals Case No. 15CA28

Petitioner:

Patrick L. Brenner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC113
Weld County District Court Case No. 15CV30263

Petitioner:

Derrick Demale Marcus,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC115
Court of Appeals Case No. 14CA552

Petitioner:

Ray Anthony Smith,

v.

Respondent:

The People of the State of Colorado.

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

**CASE ANNOUNCEMENTS
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MONDAY, JUNE 27, 2016**

No. 16SC116
Court of Appeals Case No. 13CA1544

Petitioner:

Claude Derek Foster,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC120
La Plata County District Court Case No. 14CV30168

Petitioner:

Jordan Ruben Carrillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC123
Court of Appeals Case No. 14CA553

Petitioner:

Tim E. Holz,

v.

Respondents:

State of Colorado, David M. Thorson, and J. Oliver.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016

No. 16SC242
Adams County District Court Case No. 15CV32023

Petitioners:

James Quint, II; Kim Mai; Larry Tran; and Viet Tran,
v.

Respondent:

City of Federal Heights.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC258
Court of Appeals Case No. 14CA337

Petitioner:

Nate Vernon Fischer,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC408
Court of Appeals Case No. 15CA1649

Petitioner:

K.O.,
v.

Respondent:

The People of the State of Colorado,
In the Interest of Minor Children: N. R., D. S., A. S., and K. S.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 27, 2016**

No. 16SC409
Court of Appeals Case No. 15CA2054

Petitioner:

M.C.,

v.

Respondent:

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

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC410
Court of Appeals Case No. 15CA2155

Petitioner:

R.M.,

v.

Respondent:

The People of the State of Colorado,
In the Interest of Minor Children: D. D., Jr.; Ac. D.; D. D.; An. D.; and X. D.

Petition for Writ of Certiorari DENIED. EN BANC.
