

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 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 19](#)

[Supreme Court Case No. 15SC298](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA1900

Petitioner:

The People of the State of Colorado,

In the Interest of Respondent:

E.G.

Judgment Affirmed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.
JUSTICE GABRIEL concurs in the judgment.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

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

[2016 CO 20](#)

[Supreme Court Case No. 15SA165](#)

Original Proceeding Pursuant to C.A.R. 21
District Court, City and County of Denver, Case No. 14CR2118
Honorable Elizabeth A. Starrs, Judge

In Re

Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Saul Chavez.

Rule Made Absolute

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

JUSTICE GABRIEL concurs in the judgment.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

PETITIONS FOR REHEARING

NONE

ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21

16SA114 In Re Griffith, Christin v. SSC Pueblo
 Rule to Show Cause issued on April 14, 2016

16SA124 In Re Meeks, Khalid v. SSC Colorado Springs
 Rule to Show Cause issued on April 14, 2016

PETITIONS FOR WRIT OF CERTIORARI

No. 15SC323
Court of Appeals Case No. 11CA2418

Petitioner:

The People of the State of Colorado,

v.

Respondent:

George Louis Ramey.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC480
Court of Appeals Case No. 12CA1558

Petitioner:

Gabriel Acosta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC488
Court of Appeals Case No. 12CA1393

Petitioner:

Uche B. Mordi,

v.

Respondent:

The People of the State of Colorado.

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

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016

No. 15SC634
Court of Appeals Case No. 08CA1617

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Lashawn Lynn Harris.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE COATS would grant as to the following issue:

Whether the court of appeals, although finding evidence of a prior incident involving child endangerment relevant to the purpose for which it was offered, erred in holding that the evidence was inadmissible because it did not satisfy the doctrine of chances, a theory of admissibility that was not raised by the prosecution nor relied upon by the trial court.

No. 15SC638
Court of Appeals Case No. 14CA914

Petitioner:

Cynthia Johnson,

v.

Respondents:

David W. Heckenbach, an individual and Heckenbach Ammarell LLP, a Colorado limited liability partnership.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC743
Court of Appeals Case No. 12CA2172

Petitioner:

Phillip Akelkok, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC808
Court of Appeals Case No. 15CA286

Petitioners:

RP Holdings Group, LLC, a Delaware limited liability company, by and through the receiver for certain of its assets, and BGA Management, LLC, d/b/a Alliance Management,

v.

Respondents:

Ftventures Management III, LLC, a Delaware Limited Liability Company; Financial Technology Management III, LLC, a Delaware Limited Liability Company; Ftventures III, L.P., a Delaware Limited Partnership; Ftventures III-T, L.P., a Delaware Limited Partnership; Benjamin M. Cukier; and Brad Bernstein.

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

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016

No. 15SC822
Court of Appeals Case No. 13CA173

Petitioner:

Dameion L. Moore,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE COATS would grant as to the following issues:

Whether convicting and punishing a defendant twice—once for simple possession of a discrete quantum of drugs (under section 18-18-403.5, C.R.S. (2015)) and again for distribution of that same quantum of drugs in the same transaction (under Section 18-18-405)—violates the Double Jeopardy Clauses of the United States and Colorado Constitutions.

Whether the court of appeals erred in holding that the General Assembly has expressly authorized two separate convictions and punishments for possession of a discrete quantum of drugs (under section 18-18-403.5, C.R.S. (2015)) and distribution of that same quantum of drugs in the same transaction (under section 18-18-405) simply “[b]ecause these offenses are described in different statutes and have different titles.”

Whether the Colorado Court of Appeals erred by refusing to follow this court’s specific instructions in Meads v. People, that “in the absence of express legislative authorization, this court must ascertain whether the offenses are sufficiently distinguishable to permit the imposition of multiple punishments.” 78 P.3d 290, 293 (Colo. 2003) (emphasis added).

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC847
Court of Appeals Case No. 15CA1105

Petitioner:

Penny K. Fox,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado and Dinos Italian Food, Inc.

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

No. 15SC866
Court of Appeals Case No. 12CA2136

Petitioner:

Phillip Michael Orndorff,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC870
Jefferson County District Court Case No. 15CV30063

Petitioner:

Tabitha Padilla,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016

No. 15SC871
Jefferson County District Court Case No. 15CV30720

Petitioner:

Debra Abad,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC876
Court of Appeals Case No. 14CA1741

Petitioner:

Nicholas Ray Engeman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC889
Adams County District Court Case No. 15CV70

Petitioner:

Serena Campbell,

v.

Respondent:

Northglenn Municipal Court.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC893
Court of Appeals Case No. 14CA1069

Petitioner:

Kiauve Laray Eriven,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC897
Court of Appeals Case No. 13CA2044

Petitioner:

Hazhar A. Sayed,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

Case No. 15SC907
Court of Appeals Case No. 14CA1613

Petitioners:

1405 Hotel, LLC; 550 15th Owner, LLC; Broadmoor Hotel Inc; Cheyenne Mountain Conference Resort; CHSP Denver LLC; DiamondRock Cherry Creek Tenant, LLC; DiamondRock Denver Downtown Tenant, LLC; HEP Denver LTD d/b/a Magnolia Hotel; Oxford Hotel 2005 Holdings, LLC; and Westminster Boulevard Finance LLC;
v.

Respondents:

Colorado Economic Development Commission, Division of the Office of Economic Development and International Trade, State of Colorado and City of Aurora.

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

CHIEF JUSTICE RICE would grant as to the following issue:

Whether the court of appeals erred, under Colorado law affording liberal standing to litigants, in holding that a business that has properly alleged threatened direct injuries flowing from an agency's unlawful grant of tax subsidies to a competitor, does not have standing, as a matter of law, to seek judicial review of that agency's actions as an aggrieved party.

No. 15SC919
Weld County District Court Case No. 15CV30308

Petitioner:

Richard Lewis,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC920
Larimer County District Court Case No. 15CV30066

Petitioner:

Preston Dorrance,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC922
Court of Appeals Case No. 12CA1459

Petitioner:

Joel Duane Baker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC925
Court of Appeals Case No. 13CA1679

Petitioner:

Patrick Joseph Santanastaso,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC929
Court of Appeals case No. 14CA1742

Petitioner:

Amanda Hofmann,

v.

Respondents:

The Estate of Donald Chandler, deceased and Julie Fischer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC937
District Court, Denver City and County Case No. 15CV30309

Petitioner:

Tina Morales,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC938
Douglas County District Court Case No. 14CV31214

Petitioner:

Michael Schoenecker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC941
Court of Appeals Case No. 14CA1418

Petitioner:

Michele Fry,

v.

Respondents:

The Denver Post, LLC, a Delaware limited liability company doing business in Colorado and Kurtis Lee.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC969
Court of Appeals Case No. 13CA1339

Petitioner:

Robert Lee Roy Estes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC980
Jefferson County District Court Case No. 15CV30630

Petitioner:

Clive Bailey,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC992
Court of Appeals Case No. 14CA1649

Petitioner:

Curtis Guion,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1000
Broomfield County District Court Case No. 15CV30109

Petitioner:

Heather Teter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1001
Court of Appeals Case No. 14CA2190

Petitioner:

Fredy A. Cabrera,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016

No. 15SC1003
Court of Appeals Case No. 14CA1223

Petitioner:

Julianne E. Marshall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1004
Court of Appeals Case No. 13CA178

Petitioner:

Juan Carlos Macias-Portillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1005
Court of Appeals Case No. 13CA2072

Petitioner:

Juan Carlos Madera-Robles,

v.

Respondent:

The People of the State of Colorado.

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

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1009
Court of Appeals Case No. 14CA551

Petitioner:

John T. Randall,

v.

Respondents:

Experient Corporation, a Colorado corporation and William O'Neil.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1012
Court of Appeals Case No. 12CA582

Petitioner:

Eric Ivan Nunez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1013
Court of Appeals Case No. 12CA1967

Petitioner:

Leonard Joseph Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1014
Court of Appeals Case No. 14CA237

Petitioner:

Donald A. Cabral,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1015
Court of Appeals Case No. 14CA226

Petitioner:

Shannon Lee Snook,

v.

Respondent:

The People of the State of Colorado.

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

No. 15SC1016
Court of Appeals Case No. 14CA1283

Petitioner:

Arnold Lopez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1018
Court of Appeals Case Nos. 14CA1327 & 14CA1891

In the Matter of the Estate of:
Ruth Nitka Hinds Irrevocable Trust,

Petitioner:
Gordon B. Nitka,
v.

Respondent:
ANB Bank.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1019
Court of Appeals Case No. 14CA67

Petitioner:
Curtis Dee Packard,
v.

Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1020
Court of Appeals Case No. 13CA2331

Petitioner:
Manuel Daniel Melina,
v.

Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1021
Court of Appeals Case No. 13CA174

Petitioner:

Scott L. Shorts,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1026
Court of Appeals Case No. 12CA2127

Petitioner:

Katy Elizabeth Mossberg,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1030
Court of Appeals Case No. 14CA388

Petitioner:

Andrew Davis Velazquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1031
Court of Appeals Case No. 14CA1626

Petitioners:

Tele Comm Resource LP and Jeffrey Wright,

v.

Respondents:

City and County of Denver and City Treasurer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1037
Court of Appeals Case No. 14CA644

Petitioner:

Mario David Raxon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1038
District Court, El Paso County, Case No. 15CV31497

Petitioner:

Joseph Schwab,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1052
Court of Appeals Case No. 14CA504

Petitioner:

Chris Edwin Brown,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1054
Court of Appeals Case No. 15CA186

Petitioner:

Sylvia Medrano Bryan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1059
Court of Appeals Case No. 13CA1841

Petitioner:

Gilbert Jimenez, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 15SC1064
Court of Appeals Case No. 14CA399

Petitioner:

Dickie Lewis Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1065
Court of Appeals Case No. 14CA445

Petitioner:

Craig Mckenzie Fair,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC1066
Court of Appeals Case No. 14CA2185

Petitioner:

James Edward Patton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 18, 2016**

No. 16SC206
Court of Appeals Case No. 15CA1728

Petitioners:

E.W. and R.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child J.W.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC213
Court of Appeals Case No. 14CA2399

In the Interest of Minor Child K.T.

Petitioner:

R.T.,

v.

Respondents:

R.B. and R.B.

Petition for Writ of Certiorari DENIED. EN BANC.
