

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, AUGUST 1, 2016**

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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**

NONE

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**PETITIONS FOR REHEARING**

**The Supreme Court of the State of Colorado**  
2 East 14<sup>th</sup> Avenue • Denver, Colorado 80203

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**2016 CO 48**

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**Supreme Court Case No. 14SC469**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA239

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**Petitioner:**

C. Randel Lewis, solely in his capacity as receiver,

v.

**Respondent:**

Steve Taylor.

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Petition for Rehearing DENIED. EN BANC.  
CHIEF JUSTICE RICE, JUSTICE COATS, and JUSTICE GABRIEL would grant the Petition.

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**The Supreme Court of the State of Colorado**  
2 East 14<sup>th</sup> Avenue • Denver, Colorado 80203

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**2016 CO 53**

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**Supreme Court Case No. 15SC87**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA1798

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**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.

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Petition for Rehearing DENIED. EN BANC.  
CHIEF JUSTICE RICE, JUSTICE COATS, and JUSTICE EID would grant the Petition.

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**PETITIONS FOR WRIT OF CERTIORARI**

No. 15SC455  
Court of Appeals Case No. 12CA195

**Petitioner:**

Raul Ernesto Montero,

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. 15SC543  
Court of Appeals Case No. 12CA1093

**Petitioner/Cross-Respondent:**

Mario Joseph Martinez,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

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

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No. 15SC546  
Court of Appeals Case No. 11CA1283

**Petitioner:**

Martin Solis Mendiola,

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. 15SC754  
Court of Appeals Case No. 10CA2481

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Edward Kevin DeGreat.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

[REFRAMED] Whether the court of appeals erred in concluding that the statutory right to use self-defense can apply to justify the taking of services in a robbery.

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No. 15SC814  
Court of Appeals Case No. 12CA1281

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

William Edward Willett.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC858  
Court of Appeals Case No. 13CA2244

**Petitioner:**

Baruch Bachofer,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC885  
Court of Appeals Case No. 12CA2535

**Petitioner:**

Dawan Eugene Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC1032  
Court of Appeals Case No. 12CA2274

**Petitioner:**

Roger Joseph Charette,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC1035  
Court of Appeals Case No. 13CA601

**Petitioner:**

Nasario Guzman,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC1044  
Court of Appeals Case No. 14CA539

**Petitioner:**

Chicago Title Insurance Company,

v.

**Respondent:**

David Hamilton, individually, as Successor-in-Interest to Marquis Investments, Inc., a dissolved California corporation.

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

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No. 15SC1076  
Court of Appeals Case No. 13CA1155

**Petitioner:**

Richelle Patrice Duran,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC1091  
Court of Appeals Case Nos. 14CA901 & 14CA1511

**Petitioners:**

Lincoln Building Corporation, a foreign corporation; and Wells Fargo Bank National Association, a foreign corporation,

v.

**Respondent:**

Charlene Dickinson.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC1092  
Court of Appeals Case No. 14CA381

**Petitioner:**

Trevor Ronald Rice,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 15SC1094  
Court of Appeals Case No. 13CA915

**Petitioner:**

Robert Wayne Cordts,

v.

**Respondent:**

The People of the State of Colorado.

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

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No. 16SC4  
Court of Appeals Case No. 13CA912

**Petitioner:**

Anthony Julius Eckhart,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC11  
Court of Appeals Case No. 13CA1477

**Petitioner:**

Andres Campuzano,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC20  
Court of Appeals Case No. 13CA914

**Petitioner:**

Daisy Marie Coplen,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC26  
Court of Appeals Case No. 13CA732

**Petitioner:**

Kenneth Ray Bryant,

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. 16SC28  
Court of Appeals Case No. 12CA2504

**Petitioner:**

Tammy Garrett,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC54  
Court of Appeals Case No. 12CA714

**Petitioner:**

Stephen Dallas Peck,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC65  
Court of Appeals Case No. 13CA918

**Petitioner:**

Thomas Arthur Wells,

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. 16SC67  
Court of Appeals Case No. 12CA2130

**Petitioner:**

Christopher James Strimple,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC83  
Court of Appeals Case No. 14CA1911

**Petitioner:**

Billy Von Halley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC86  
Court of Appeals Case No. 14CA1012

**Petitioner:**

William V. Bashaw,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC103  
Court of Appeals Case No. 11CA1461

**Petitioner:**

Kervin A. Rogers,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC104  
Court of Appeals Case No. 14CA1532

**Petitioner:**

Wade Chotvac,

v.

**Respondent:**

Richard K. Clements.

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

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No. 16SC124  
Boulder County District Court Case No. 14CV31240

**Petitioner:**

Michael Fuller,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC125  
Court of Appeals Case No. 13CA2112

**Petitioner:**

Ryan Allen Kelley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC127  
Court of Appeals Case No. 13CA1734

**Petitioner:**

Riann Adrienne Daugaard,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC128  
Court of Appeals Case No. 14CA1756

**Petitioner:**

Juanita Whitaker,

v.

**Respondent:**

The People of the State of Colorado.

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

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**CASE ANNOUNCEMENTS  
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No. 16SC129  
Court of Appeals Case No. 14CA2306

**Petitioner:**

Christopher James Allen,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC130  
Court of Appeals Case No. 15CA185

**Petitioner:**

Thomas Gonzales,

v.

**Respondent:**

The People of the State of Colorado.

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

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No. 16SC131  
Court of Appeals Case No. 11CA2310

**Petitioner:**

Christa O'Brien,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC133  
Court of Appeals Case No. 14CA972

**Petitioner:**

Timothy Nicholls,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC135  
Court of Appeals Case No. 15CA1066

**Petitioner:**

Jefferson County Education Association,

v.

**Respondents:**

Jefferson County School District R-1 and Lisa Pinto in her official capacity as Custodian of Records.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC136  
Court of Appeals Case No. 12CA2375

**Petitioner:**

Elma Garcia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC140

Court of Appeals Case No. 14CA154

**Petitioners:**

William M. Peck; Darrell H. Oliver, Sr.; William Marchant; Maureen M. Marchant; William Howell, as Trustee of the Marilyn J. Howell Trust; and C. Arlene Nance,  
v.

**Respondents:**

Woodmen Heights Metropolitan District No. 1; Woodmen Heights Metropolitan District No. 2; Woodmen Heights Metropolitan District No. 3; Title 32 Metropolitan Districts; KF 103-CV, a Colorado limited liability company; RS Construction & Development, Inc., f/k/a Infinity Construction & Development, Inc. a Colorado corporation; RS Holding Company LLC; Howard Family Investments, a Colorado limited liability company; Infinity Land Corporation, a Colorado corporation; H2 Land Co, LLC, a Colorado limited liability company; Keller Homes, Inc., a Colorado corporation; The City of Colorado Springs, a Colorado home rule city and municipal corporation; and Paul J. Howard.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS would grant as to the following issues:

Whether this court's ruling in Roaring Fork Club, LLP v. St. Jude's Co., 36 P.3d 1229 (Colo. 2001), allows for a remedy other than restoration when the violating parties purposely failed to comply with any of the Roaring Fork requirements.

Whether a deeded express easement with a location-specific metes and bounds legal description can be unilaterally relocated without the consent of the dominant estate owner.

Whether the petitioners had a duty to institute a preemptive legal action to protect their legally-deeded property interests.

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No. 16SC142  
Weld County District Court Case No. 15CV30343

**Petitioner:**

Halina Morley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC147  
Court of Appeals Case No. 14CA2028

**Petitioner:**

Oscar Herrera,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC149  
Court of Appeals Case No. 14CA1222

**Petitioner:**

Zachary Justin Fournier,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC151  
El Paso County District Case No. 15CV335

**Petitioner:**

Timothy C. Dietz,

v.

**Respondent:**

City of Colorado Springs Municipal Court.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC152  
Court of Appeals Case No. 12CA1795

**Petitioner:**

Douglas Alan Glaser,

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. 16SC153  
Jefferson County District Court Case No. 15CV30751

**Petitioner:**

Stephen Euler,

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. 16SC154  
Court of Appeals Case No. 13CA955

**Petitioner:**

Reese Robinson Slade,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC157  
Court of Appeals Case No. 13CA293

**Petitioner:**

Gaston Garcia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC159  
District Court, City and County of Denver, Case No. 14CV33863

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Mark Spomer.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID would grant as to the following issue:

Whether the unit of prosecution for the offense of indecent exposure is the number of "exposures" or the number of victims who observed the exposure.

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**CASE ANNOUNCEMENTS**  
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No. 16SC161  
Court of Appeals Case No. 14CA2108

**Petitioner:**

Arthur Robinson,

v.

**Respondents:**

University of Colorado Denver, Information Technology Services, and State Personnel Board.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC164  
Court of Appeals Case No. 14CA1864

**Petitioner:**

Levolia Londell Hayes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC169  
Court of Appeals Case No. 14CA1616

**Petitioner:**

Luke M. Barela,

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. 16SC173  
Court of Appeals Case No. 13CA1483

**Petitioner:**

Julian Zamarripa,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC174  
Court of Appeals Case No. 13CA1217

**Petitioner:**

Demetrio Castro-Cruz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC175  
Court of Appeals Case No. 13CA917

**Petitioner:**

Tracy Anaya,

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. 16SC176  
Jefferson County District Court Case No. 15CV30878

**Petitioner:**

David Norris,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC179  
Court of Appeals Case No. 14CA1059

**Petitioner:**

Clifford Johnson,

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. 16SC181  
Court of Appeals Case No. 13CA2266

**Petitioner:**

Wayne M. Klinck,

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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**CASE ANNOUNCEMENTS  
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No. 16SC182  
Court of Appeals Case No. 14CA866

**Petitioner:**

Francisco Scott David Roybal,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC192  
Court of Appeals Case No. 13CA352

**Petitioner:**

Eucario Alberto Fonseca-Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC194  
Court of Appeals Case No. 15CA737

**Petitioner:**

Danny Russell Cook,

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. 16SC195  
Court of Appeals Case No. 14CA579

**Petitioner:**

Joseph Scott Carter,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC197  
Court of Appeals Case No. 13CA2355

**Petitioner:**

Robert Wayne Robinson,

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. 16SC198  
Court of Appeals Case No. 12CA2516

**Petitioner:**

Steven Lawrence Padilla,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC199  
Court of Appeals Case No. 13CA1116

**Petitioner:**

Jeffrey Charles Crissman,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC200  
Court of Appeals Case No. 13CA2109

**Petitioner:**

Jeannette Silvia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC202  
Arapahoe County District Court Case No. 14CV33222

**Petitioner:**

Charlotte Bustos,

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. 16SC204  
Jefferson County District Court Case No. 15CV31339

**Petitioners:**

Tony Armenta and Kathy Armenta,

v.

**Respondent:**

Kristen Holmberg.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC205  
Court of Appeals Case No. 13CA1369

**Petitioner:**

Charles Garrison,

v.

**Respondent:**

The People of the State of Colorado.

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

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No. 16SC208  
Court of Appeals Case No. 13CA1766

**Petitioner:**

Spencer Braxton,

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. 16SC209  
Court of Appeals Case No. 14CA2294

**Petitioner:**

Jose Antonio Lopez-Gutierrez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC278  
Court of Appeals Case No. 13CA1830

**Petitioner:**

Stephen Forrest Ogden,

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. 16SC283  
Court of Appeals Case No. 15CA1165

**Petitioner:**

Youngquist Brothers Oil and Gas, Inc.,

v.

**Respondents:**

Industrial Claim Appeals Office and Travis Miner.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

[REFRAMED] Whether the court of appeals erred in concluding that Colorado has jurisdiction to award benefits for out-of-state work-related injuries and impose a statutory penalty on the employer under the Worker's Compensation Act, section 8-41-204, C.R.S. (2015), when the employer is not a citizen of Colorado, has no offices or operations in Colorado, but hired a Colorado citizen within the state.

DENIED AS TO ALL OTHER ISSUES.

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**CASE ANNOUNCEMENTS**  
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No. 16SC287

Court of Appeals Case Nos. 14CA2454, 14CA2455, 14CA2456 & 14CA2457

**Petitioner:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

E.M., L.M., and E.J.M.,

and Concerning

**Respondent:**

L.G.M.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

[REFRAMED] Whether a juvenile court must proceed under section 19-5-105, C.R.S. (2015), or section 19-3-604, C.R.S. (2015), when terminating the parent-child legal relationship of the non-relinquishing parent after one parent decides to relinquish his or her parental rights to a child subject to pending dependency and neglect proceedings.

JUSTICE EID would grant as to the following issue:

Whether a parent may relinquish his or her parental rights pursuant to article five when the child is the subject of a pending dependency and neglect case under article three.

DENIED AS TO ALL OTHER ISSUES.

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**CASE ANNOUNCEMENTS**  
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No. 16SC290  
Court of Appeals Case No. 12CA2519

**Petitioner:**

Fred Edward Mestas,

v.

**Respondent:**

The People of the State of Colorado.

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

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No. 16SC316  
Court of Appeals Case No. 13CA1727

**Petitioner:**

Man Hao Luong,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC463  
Court of Appeals Case No. 15CA1807

**Petitioner:**

S.M.,

v.

**Respondent:**

The People of the State of Colorado,  
In the Interest of Minor Children: J.M. and J.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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