

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 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 6](#)

[Supreme Court Case No. 15SA151](#)
Original Proceeding Pursuant to C.A.R. 21
Adams County District Court Case No. 14CV31314
Honorable Ted C. Tow III, Judge

In Re

Plaintiff:

P.W., Individually and as Guardian and Conservator for K.W., a Minor Child,

v.

Defendants:

Children's Hospital Colorado; Children's Hospital Colorado Health System; and The Children's Hospital Association, d/b/a The Children's Hospital Corporation, d/b/a The Children's Hospital of Colorado.

Rule Discharged
en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.
JUSTICE EID does not participate.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016**

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2 East 14th Avenue • Denver, Colorado 80203

[2016 CO 7](#)

[Supreme Court Case No. 13SC904](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 09CA1506

Petitioner:

Salvador Esquivel-Castillo,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

JUSTICE COATS delivered the Opinion of the Court.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
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2 East 14th Avenue • Denver, Colorado 80203

[2016 CO 8](#)

[Supreme Court Case No. 14SA84](#)

Certification of Question of Law

United States Court of Appeals for the Tenth Circuit, Case No. 13-1369

Plaintiff-Appellee:

Stephen Brett Ryals,

v.

Defendant-Appellant:

City of Englewood.

Certified Question Answered

en banc

JUSTICE EID delivered the Opinion of the Court.

JUSTICE HOOD concurs in part and dissents in part, and **JUSTICE GABRIEL** joins in the concurrence in part and dissent in part.

PETITIONS FOR REHEARING

NONE

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016**

PETITIONS FOR WRIT OF CERTIORARI

No. 14SC868
Court of Appeals Case No. 12CA2290

Petitioner:

Anthony Lawrence Garcia,

v.

Respondent:

The People of the State of Colorado.

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

No. 15SC185
Court of Appeals Case No. 11CA118

Petitioner:

Herbert Benjamin Alexander,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016**

No. 15SC241
Court of Appeals Case No. 12CA904

Petitioner:

Franco Romero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC286
Court of Appeals Case No. 11CA2313

Petitioner:

Juan Lorenzo Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC366
Court of Appeals Case No. 12CA579

Petitioner:

Felicia Michelle Moon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ would grant as to the following issue:

Whether, when a defendant is charged with criminal attempt to obtain a controlled substance by fraud and deceit, pursuant to section 18-18-415(1)(a), C.R.S. (2015), a

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016

physician's prescription order issued to the defendant is admissible at trial because it falls within section 18-18-415(1)(b), the statutory exception which allows disclosure of otherwise privileged physician-patient communications under certain circumstances.

No. 15SC421
Court of Appeals Case No. 10CA1993

Petitioner/Cross-Respondent:

Parish Ramon Carter,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

Summary of Issues:

[REFRAMED] Whether the court of appeals incorrectly held that the police's Miranda (Miranda v. Arizona, 384 U.S. 436 (1966)) violation was harmless error for defendant's convictions of specific-intent crimes.

Whether the court of appeals erred in following People v. Gingles, 2014 COA 163, to declare that a defendant's testimonial statements are not governed by this Court's decisions in Frasco v. People, 165 P.3d 701 (Colo. 2007), and DeBella v. People, 233 P.3d 664 (Colo. 2010), which held that trial courts must exercise discretionary control to prevent a deliberating jury from using testimonial exhibits in an unfairly prejudicial manner.

Whether the court of appeals erred in concluding that the advisement to the defendant that he had "the right to have an attorney" did not adequately inform him that he had the right to the presence of an attorney before and during interrogation.

DENIED AS TO ALL OTHER ISSUES.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016

No. 15SC424
Court of Appeals Case No. 14CA405

In re the Parental Responsibility Concerning:

B.C.B., a child,

Petitioner:

Cory Robert Ballentine,

v.

Respondent:

Abby Lynn Corea.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC495
Court of Appeals Case No. 15CA5

Petitioner:

ACRO Service Corporation,

v.

Respondents:

Colorado Department of Personnel and Administration and Governor's Office of Information Technology.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC530
Court of Appeals Case No. 11CA475

Petitioner:

Paul Wayne Stark,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016

No. 15SC607
Court of Appeals Case No. 14CA254

Petitioner:

David Vititoe,

v.

Respondent:

Rocky Mountain Pavement Maintenance, Inc., n/k/a Polk Holdings Company, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC720
Larimer County District Court Case No. 14CV150

Petitioner:

Randolph Glenn Jensen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC845
Court of Appeals Case No. 12CA2168

Petitioner:

Connie L. Liphford,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 25, 2016

No. 15SC1043
Court of Appeals Case No. 14CA2287

Petitioner:

Scott E. Foster,

v.

Respondent:

Clifford E. Riedel, solely in his capacity as Eighth Judicial District Attorney.

Petition for Writ of Certiorari Pursuant to C.A.R. 50 DENIED. EN BANC.

No. 15SC1078
Court of Appeals Case No. 15CA820

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Child: K.B.

and Concerning

Respondent:

S.B.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT would grant as to the following issue:

Whether the court of appeals erred in their application of the standard of review required to review a trial court's findings and orders and instead made factual determinations that are solely within the trial court's discretion.
