

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 10, 2017**

"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

[2017 CO 20](#)

[Supreme Court Case No. 12SC143](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 08CA1565

Petitioner:

Victor Mosley,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 21](#)

[Supreme Court Case No. 13SC961](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA2364

Petitioner:

Gerardo Joel Delacruz,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

[2017 CO 22](#)

[Supreme Court Case No. 15SC816](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA1775

Petitioner:

JPMorgan Chase Bank, N.A., a national banking association,

v.

Respondents:

Douglas and Nancy McClure, a married couple, and Spiral Broadcasting, L.L.C., an Arizona limited liability company.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 17SA62, In Re Catholic Initiatives Colorado v. Earl Swensson Associates, Inc.
Broomfield County Combined Court Case No. 16CV30055
Order to Show Cause issued on March 31, 2017

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC269, Court of Appeals Case No. 13CA392

Petitioner:

Paul Lacey Rail,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a defendant waives appellate review by failing to request further polling of the jury when polling affirms the court's reading of the jury's guilty verdict on the charge of sexual assault on a child ("SAOC") and of the special interrogatory reflecting the jury's findings that acts establishing a pattern of sexual abuse had been proven, but the trial court fails to read aloud the unanimity interrogatory which reflected that the jury found that none of the acts to establish the SAOC charge had been proven.

[REFRAMED] Whether, under Sanchez v. People, 2014 CO 29, reversal is required when a jury unanimously finds that none of the alleged acts establishing SAOC were proven yet the trial court nonetheless directs a guilty verdict as to SAOC because the jury found that the same acts were proven to establish a pattern of sexual abuse.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

Case No. 16SC624, Larimer County District Court Case No. 15CV30573

Petitioner:

Albert Shomaker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED as to the following issue: Whether the district court erred in finding that the trial court's instructions adequately advised the jury of the elements of the offenses as separate and distinct. The judgment of the Larimer County District Court is VACATED, and the case is REMANDED to the Larimer County District Court for reconsideration in light of Reyna-Abarca v. People, Nos. 13SC725, 13SC750, 14SC3, 14SC7, 2017 CO 15. EN BANC.

DENIED AS TO ALL OTHER ISSUES.

No. 16SC789, Court of Appeals Case No. 14CA202

Petitioner:

Ryan Matthew Cardman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED as to the following issue: Whether the district court violated the defendant's constitutional right to due process and reversibly erred by admitting statements the defendant made to a detective without first determining whether the statements were voluntary and whether the defendant was entitled to specific performance of direct and/or implied promises made to him by the detective during the interrogation. The judgment of the Colorado Court of Appeals is VACATED, and the case is REMANDED to the Colorado Court of Appeals for reconsideration light of Reyna-Abarca v. People, Nos. 13SC725, 13SC750, 14SC3, 14SC7, 2017 CO 15. EN BANC.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 14SC759, Court of Appeals Case No. 10CA1646

Petitioner:

Daniel Wayne Miller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 14SC863, Court of Appeals Case No. 11CA1659

Petitioner:

Arthur Ray Valdez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC211, Court of Appeals Case No. 11CA1321

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Joe Louis Dominguez.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC307, Court of Appeals Case No. 13CA827

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Chante Marie Alberts.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 15SC584, Court of Appeals Case No. 12CA2406

Petitioner:

Leviticus Gabriel Hodge,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL does not participate.

No. 15SC734, Court of Appeals Case No. 13CA1938

Petitioner:

Robert Douglas Ryon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 15SC766, Court of Appeals Case No. 12CA857

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Michael Terrell Carter.

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

JUSTICE GABRIEL does not participate.

No. 15SC776, Court of Appeals Case No. 12CA2532

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Joseph Vaughn Justice.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 15SC1027, Court of Appeals Case No. 12CA2602

Petitioner:

Patrick John Aragon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC170, District Court, City and County of Denver, Case No. 14CV34195

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Eehab Suliman.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT would grant as to the following issue:

[REFRAMED] Whether the district court erred by applying the wrong standard for plain error.

No. 16SC394, Court of Appeals Case No. 13CA229

Petitioner:

Rodney Deon Tucker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC433, Court of Appeals Case No. 13CA554

Petitioner:

Jin Kang,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC492, Court of Appeals Case No. 12CA1240

Petitioner:

Steven Lee Koeppen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC540, Court of Appeals Case No. 13CA550

Petitioner:

Gilbert A. Thomas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC595, Court of Appeals Case No. 13CA1769

Petitioner:

Rojorio Roy Naranjo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC565, Court of Appeals Case No. 13CA454

Petitioner:

Ghassan Juarez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC830, Court of Appeals Case No. 14CA646

Petitioner:

Ian Joseph Whittaker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC977, Court of Appeals Case No. 14CA1840

Petitioner:

Frederick B. Lewis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
