

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 24, 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 28](#)

[Supreme Court Case No. 14SC1007](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA1476

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Sandra L. Jacobson.

Judgment Reversed

en banc

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 29](#)

[Supreme Court Case No. 16SC68](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA487

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Emmett Andrew Larsen.

Judgment Reversed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.
JUSTICE HOOD concurs in part and dissents in part, and JUSTICE MÁRQUEZ and
JUSTICE GABRIEL join in the concurrence in part and dissent in part.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 30](#)

[Supreme Court Case No. 15SC589](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 13CA1530

Petitioners:

City and County of Denver School District No. 1 in the State of Colorado and City and County of Denver School District No. 1 Board of Education,

v.

Respondents:

Denver Classroom Teachers Association, Denver Association of Educational Office Professionals, Lloyd Bourdon, Cheryl Myres, and Toni Falcon.

Judgment Reversed

en banc

CHIEF JUSTICE RICE announced the judgment of the Court and delivered an opinion, in which **JUSTICE BOATRIGHT** joins.

JUSTICE EID concurs in the judgment, and **JUSTICE COATS** joins in the concurrence in the judgment.

JUSTICE GABRIEL dissents, and **JUSTICE MÁRQUEZ** and **JUSTICE HOOD** join in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 31](#)

[Supreme Court Case No. 16SA245](#)

Interlocutory Appeal from the District Court
El Paso County District Court Case No. 15CR4742
Honorable Marla R. Prudek, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Gonzalo V. Reyes-Valenzuela.

Order Reversed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 32](#)

[Supreme Court Case No. 14SC634](#)

Certiorari to the Court of Appeals

Court of Appeals Case No. 13CA779

Petitioners:

City and County of Denver, Colorado; Brendan Hanlon in his official capacity as the Chief Financial Officer of the City and County of Denver; and Bill Speckman, in his official capacity as Hearing Officer designated by the Chief Financial Officer,

v.

Respondents:

Expedia, Inc.; Hotels.com, L.P.; Hotwire, Inc.; Orbitz, LLC; Priceline.com, Incorporated; Site59.com, LLC; Travel Webb LLC; Travelocity.com LP; and Trip Network, Inc. d/b/a Cheaptickets.com.

Judgment Reversed

en banc

JUSTICE COATS announced the judgment of the Court and delivered an opinion, in which **JUSTICE MÁRQUEZ** and **JUSTICE BOATRIGHT** join.

JUSTICE HOOD concurs in the judgment.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 33](#)

[Supreme Court Case No. 15SA215](#)

Appeal from the District Court

Adams County District Court Case No. 14CV30842

Honorable Mark D. Warner, Judge

Plaintiff-Appellee:

Rocky Mountain Retail Management, LLC, d/b/a Rocky Mountain High,

v.

Defendant-Appellant:

City of Northglenn, acting by and through its City Council.

Judgment Reversed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

[2017 CO 34](#)

[Supreme Court Case No. 14SC938](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 13CA665

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Heather Beauvais.

Judgment Reversed

en banc

JUSTICE BOATRIGT delivered the Opinion of the Court.

JUSTICE MÁRQUEZ dissents.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 35](#)

[Supreme Court Case No. 14SC588](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 11CA1465

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Dherl Jefferson.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

JUSTICE BOATRIGHT dissents.

[2017 CO 36](#)

[Supreme Court Case No. 14SC304](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 10CA1840

Petitioner:

Nerio Martinez,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

JUSTICE BOATRIGHT concurs in part and concurs in the judgment.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC653, Court of Appeals Case No. 13CA1215

Petitioner:

Christopher Anthony Mountjoy, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether Apprendi v. New Jersey, 530 U.S. 466 (2000), and United States v. Gaudin, 515 U.S. 506 (1995), require a jury to make the ultimate determination of “extraordinary aggravating circumstances” under Colorado’s residual sentence aggravator, where the requisite finding presents a mixed question of law and fact.

Whether a violation of the right to jury trial on a sentence aggravator can be harmless under Washington v. Recuenco, 548 U.S. 212 (2006), where the jury probably would have found the historical facts the judge relied on in finding the aggravator was present, but there is substantial doubt the jury would have drawn the ultimate conclusion that the historical facts proved the aggravator.

Whether a violation of the right to a jury trial on a sentence aggravator can be harmless under Washington v. Recuenco, 548 U.S. 212 (2006), where the prosecution neither charged the aggravator in the information nor gave pre-verdict notice it sought aggravation.

DENIED AS TO ALL OTHER ISSUES

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC708, Court of Appeals Case No. 14CA2203

Petitioner:

Tommie Charles Bradley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED as to the following issue: Whether the court of appeals erred in holding that appellate courts in Colorado may not consider constitutional errors raised for the first time on appeal. The judgment of the Colorado Court of Appeals is VACATED, and the case is REMANDED to the Colorado Court of Appeals for reconsideration in light of Reyna-Abarca v. People, Nos. 13SC725, 13SC750, 14SC3, 14SC7, 2017 CO 15. EN BANC.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC545, Court of Appeals Case No. 13CA2149

Petitioner:

Delorian M. Nicholas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC593, Court of Appeals Case No. 15CA80

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Robert Lee Hunt.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC719, Court of Appeals Case No. 14CA87

Petitioner:

Patrick Lee Casey,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC727, Court of Appeals Case No. 15CA599

Petitioner:

David Richard Godel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC772, Court of Appeals Case No. 12CA410

Petitioner:

Dean Carbajal,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC819, Court of Appeals Case No. 14CA1432

Petitioner:

Ramon Vargas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC846, Court of Appeals Case No. 15CA1550

Petitioner:

Michael Keith Tivis,

v.

Respondent:

The People of the State of Colorado.

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

No. 16SC869, Court of Appeals Case No. 15CA436

Petitioner:

Omowale Chiwale Simmons,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC876, Court of Appeals Case No. 14CA2179

Petitioner:

Eli Joseph Kelly,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC879, Court of Appeals Case No. 15CA1055

Petitioner:

Indian Mountain Metropolitan District,

v.

Respondent:

Indian Mountain Corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC882, Court of Appeals Case No. 16CA512

Petitioner:

Phuong Van Dang,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 16SC887, Weld County District Court Case No. 15CV31069

Petitioner:

Chase Kircher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC896, Court of Appeals Case No. 15CA827

Petitioner:

David A. Medina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC914, Court of Appeals Case No. 13CA2196

Petitioner:

N.C.F.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC915, Weld County District Court Case No. 16CV30486

Petitioner:

Mirna Banuelos-Luna,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC918, Court of Appeals Case No. 16CA1465

Petitioner:

James Robert Sardakowski,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC942, Court of Appeals Case No. 15CA600

Petitioner:

Harold Ervine Wardle,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC943, Weld County District Court Case No. 16CV30293

Petitioner:

Lee Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC965, Court of Appeals Case No. 15CA1769

Petitioner:

Arapahoe County Water and Wastewater Authority,

v.

Respondent:

Valley Country Club, a Colorado non-profit corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC973, Court of Appeals Case No. 14CA2151

Petitioner:

Juan Bustos-Chavez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC998, Weld County District Court Case No. 16CV30589

Petitioner:

Charlene Gabriel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC5, Court of Appeals Case No. 15CA651

Petitioner:

Perry L. Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC6, Adams County District Court Case No. 16CV31055

Petitioner:

Lester Dewey Sitter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC7, Court of Appeals Case No. 15CA2034

Petitioner:

Clyatt Philman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC8, Court of Appeals Case No. 15CA2001

Petitioners:

Tom R. Kramer and Monica Kramer,

v.

Respondent:

Rio Grande Savings and Loan Association.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC13, Court of Appeals Case No. 15CA1621

Petitioner:

Tom Macurdy,

v.

Respondents:

Len Kaiser; Hammersmith Data Management, Inc. d/b/a Hammersmith Management, Inc.; and Blue Sky Condominiums Homeowners Association, Inc., a Colorado non-profit corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC17, Weld County District Court Case No. 16CV30580

Petitioner:

Carmen Solis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC19, District Court, City and County of Denver, Case No. 15CV30935

Petitioner:

Eddie C. Marquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC20, Court of Appeals Case No. 13CA1557

Petitioner:

Paul James Kerr,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC23, Mesa County District Court Case No. 16CV30023

Petitioner:

Jullian Preston,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC24, Court of Appeals Case No. 14CA444

Petitioner:

Lionel David Baca,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC25, Court of Appeals Case No. 15CA318

Petitioner:

Shane Hotton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC39, Court of Appeals Case No. 13CA2115

Petitioner:

Jose Marcelino Blackwood, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC41, Court of Appeals Case No. 13CA2015

Petitioner:

Vitaliy Vladimirovich Skorev,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC42, Court of Appeals Case No. 13CA2016

Petitioner:

Vitaliy Vladimirovich Skorev,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC46, Court of Appeals Case No. 13CA2017

Petitioner:

Vitaliy Vladimirovich Skorev,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC47, Mesa County District Court Case No. 16CV30294

Petitioner:

Karl Humbard,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC50, Court of Appeals Case No. 15CA1048

Petitioner:

Gregory C. Reed,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE COATS do not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC53, Court of Appeals Case No. 16CA165

In re the Marriage of

Petitioner:

Anita Rullens Ptak,
and

Respondent:

Jeffrey J. Ptak.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC69, Court of Appeals Case No. 15CA589

Petitioner:

Thomas Ansley Holloway,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC75, Court of Appeals Case No. 16CA1862

Petitioner:

Robert Miles,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
