

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 19, 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 70](#)

[Supreme Court Case No. 14SC340](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 11CA172

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Darren Roman.

Judgment Reversed

en banc

JUSTICE COATS delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 71](#)

[Supreme Court Case No. 13SC68](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 09CA137

Petitioner:

Deborah Lee Nicholls,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

[2017 CO 72](#)

[Supreme Court Case No. 15SC595](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA2187

Petitioner:

Kinder Morgan CO₂ Co., L.P.,

v.

Respondents:

Montezuma County Board of Commissioners; Colorado Board of Assessment Appeals; and
Colorado Property Tax Administrator.

Judgment Affirmed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 73](#)

[Supreme Court Case No. 15SA118](#)

Appeal from the District Court

Weld County District Court, Water Division 1, Case No. 03CV1335

Honorable James F. Hartmann, Designated Groundwater Judge

Plaintiffs-Appellants:

Gallegos Family Properties, LLC; Marianne Gallegos; Ellen Gallegos; Gene J. Gallegos; and
Reinaldo Gallegos,

v.

Defendants-Appellees:

Colorado Groundwater Commission, an administrative agency of the State of Colorado;
Dick Wolfe, in his capacity as the Colorado State Engineer, and as *ex officio* Executive
Director of the Colorado Ground Water Commission, and as a non-voting member of the
Colorado Ground Water Commission; Joseph B. Grantham, in his capacity as a Hearing
Officer for the Colorado Ground Water Commission; Edna B. Anderson; William Anderson;
BCK Heath Property LLC; Larry L. Croissant; Jean L. Croissant; Deerco LLC; Kenneth
Everitt; Penny Everitt; Four Diamonds Ranch LLC; Hereford Farms, LLC; Rosella J. Jessen;
Anita R. Johnson; Rod Johnson; Carl A. Johnson; James L. Karst; Judy Karst; James M.
Konig; Janet F. Konig; Michael D. Konig; Konig Investments LLC; Larry Lang; Dan Loyd;
Loyd Farms; Loyd Farms General Partnership; Jesse E. Loyd; Evelyn T. Loyd; F & R Marick;
Fred D. Marick; Roxanne L. Marick; Philip McKinley; Diane McKinley; Colin W. Nicklas;
Charles E. Nussbaum; Dorothy Nussbaum; C & D Nussbaum; Richard L. Pettinger; Lisa R.
Pettinger; Rory J. Pettinger; Rocky Plains LLP; TR, Inc.; Lee A. Tappy; Tennick Land &
Cattle Co.; Clarence W. Tietmeyer; Vonda J. Tietmeyer; Clarence E. Tietmeyer; Scott W.
Tietmeyer; Paula J. Tietmeyer; Vonda Jean Tietmeyer; Darrell J. Timm; Donald L. Timm;
Town of Grover; and Sharon C. Young.

Judgment Affirmed

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[Supreme Court Case No. 15SA277](#)

Appeal from the District Court

Weld County District Court, Water Division 1, Case No. 03CV1335

Honorable James F. Hartmann, Designated Groundwater Judge

Plaintiff-Appellant:

Gallegos Family Properties, LLC,

v.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

Defendants-Appellees:

William Anderson, Larry Lang, Dan Loyd, Loyd Farms, Loyd Farms General Partnership, Jesse E. Loyd, Evelyn T. Loyd, Richard L. Pettinger, Lisa R. Pettinger, Rory J. Pettinger, Clarence W. Tietmeyer, Vonda J. Tietmeyer, Clarence E. Tietmeyer, Scott W. Tietmeyer, Paula J. Tietmeyer, and Vonda Jean Tietmeyer.

Judgment Affirmed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.

[2017 CO 74](#)

[Supreme Court Case No. 15SA331](#)

Interlocutory Appeal from the District Court
El Paso County District Court Case No. 15CR961
Honorable David S. Prince, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Austin Joseph Lentz.

Order Reversed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

CHIEF JUSTICE RICE dissents, and JUSTICE GABRIEL joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 75](#)

[Supreme Court Case No. 16SA53](#)

Appeal from the District Court

District Court, City and County of Denver, Case No. 15CV32332

Honorable Elizabeth A. Starrs, Judge

Plaintiff-Appellant:

Carestream Health, Inc.,

v.

Defendant-Appellee:

Colorado Public Utilities Commission,

and

Intervenor-Appellee:

Public Service Company of Colorado.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

[2017 CO 76](#)

[Supreme Court Case No. 14SC517](#)

Certiorari to the District Court

El Paso County District Court Case No. 13CV31542

Petitioner:

Monica Roberts,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

2017 CO 41M

Supreme Court Case No. 15SC226

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 13CA1580

Petitioners:

Colorado Department of Revenue and Barbara J. Brohl, in her official capacity as Executive Director of the Colorado Department of Revenue,

v.

Respondent:

Creager Mercantile Co., Inc.

Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC. CHIEF JUSTICE RICE, JUSTICE EID and JUSTICE GABRIEL would grant the petition.

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 17SA113, In Re People v. Shank

Adams County District Court Case No. 16CV32106

Order to Show Cause issued on June 15, 2017

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC120, Court of Appeals Case No. 14CA71

Petitioner:

Crystal Lynn Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the trial court's definitions of hesitation to act lowered the prosecution's burden of proof in violation of due process.

DENIED AS TO ALL OTHER ISSUES.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 14SC506, Court of Appeals Case No. 11CA479

Petitioner:

Marci Carillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC936, Court of Appeals Case No. 15CA1544

Petitioner:

James Hicks,

v.

Respondent:

Orchard Glen Homeowners Association, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC18, Court of Appeals Case No. 14CA2135

Petitioner:

Patrick Leroy Vigil,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC67, Court of Appeals Case No. 15CA1743

Petitioner:

Board of County Commissioners, Adams County, Colorado, a Colorado statutory county,

v.

Respondents:

City of Northglenn, Colorado, a Colorado municipality; City of Aurora, Colorado, a Colorado municipality; and City of Commerce City, Colorado, a Colorado municipality.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS would grant as to the following issue:

Whether respondent cities had standing to challenge Adams County's countywide sales tax on the sale of recreational marijuana.

No. 17SC168, Court of Appeals Case No. 14CA2465

Respondent:

The People of the State of Colorado.

In the Interest of

Petitioner:

J.M.-A.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC347, Court of Appeals Case No. 16CA918

Petitioners:

K.H.M. and W.J.A.H.

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: M.H., E.H., and A.W.J.H.,

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 17SC348, Court of Appeals Case No. 16CA1839

Petitioner:

E.E.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child: E.L.E.

Petition for Writ of Certiorari DENIED. EN BANC.
