

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 9, 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 1](#)

[Supreme Court Case No. 16SA199](#)

Original Proceeding Pursuant to C.A.R. 21
Boulder County District Court Case No. 15DR30326
Honorable Bruce Langer, Judge

In re the Marriage of
Petitioner:
Lisa Dawn Gromicko,
and
Respondent:
Nickifor Nicholas Gromicko.

Rule Made Absolute
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT ANNOUNCEMENTS

PETITIONS FOR REHEARING

2016 CO 75

Supreme Court Case No. 14SA303

Appeal from the District Court

Pueblo County District Court, Water Division 2, Case Nos. 09CW142,
Water Division 1, 09CW272,
Water Division 5, 09CW186,
Honorable Larry C. Schwartz, Water Judge

Concerning the Application of Busk-Ivanhoe, Inc., a Colorado corporation in Adams, Arapahoe, Chaffee, Douglas, Jefferson, Lake, Pitkin, and Weld Counties, Colorado,

Opposers-Appellants:

Grand Valley Water Users Association; Orchard Mesa Irrigation District; Ute Water Conservancy District acting by and through the Ute Water Activity Enterprise; Colorado River Water Conservation District; Basalt Water Conservancy District; Board of County Commissioners of Eagle County; Board of County Commissioners of Pitkin County; Dick Wolfe, P.E., State Engineer; David L. Nettles, P.E., Division Engineer for Water Division 1; Steve Witte, P.E., Division Engineer for Water Division 2; and Alan Martellaro, P.E., Division Engineer for Water Division 5,

and

Opposers-Appellees:

High Line Canal Company; Southeastern Colorado Water Conservancy District; and The City and County of Denver, acting by and through its Board of Water Commissioners,

and

Opposer-Appellant/Opposer-Appellee:

Board of Water Works of Pueblo, Colorado,

and

Opposer:

Centennial Water and Sanitation District,

v.

Applicant-Appellee:

Busk-Ivanhoe, Inc., a Colorado corporation.

Petition for Rehearing DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE HOOD would grant the Petition.

COLORADO SUPREME COURT ANNOUNCEMENTS

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 16SA324, In Re Clean Energy Collective v. Borrego Solar Systems Inc.
Boulder County District Court Case No. 16CV30545
Order to Show Cause issued on January 3, 2017

GRANTED PETITIONS FOR WRIT OF CERTIORARI

NONE

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC97, Court of Appeals Case No. 12CA1423

Petitioner:

Mark Richard Wentling,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC193, Court of Appeals Case No. 12CA2517

Petitioner:

Leroy James Chavez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL would grant as to the following issue:

Whether the court of appeals erred in affirming the defendant's convictions even after identifying six discrete occasions on which the state's witnesses offered inadmissible and prejudicial testimony or the prosecutor committed obvious misconduct.

COLORADO SUPREME COURT ANNOUNCEMENTS

No. 16SC280, Court of Appeals Case No. 12CA2455

Petitioner:

Emanuel Torres-Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC331, Court of Appeals Case No. 10CA1937

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

John Sandoval.

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

No. 16SC494, Court of Appeals Case No. 13CA1193

Petitioner:

Karen Vasseur,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC541, Court of Appeals Case No. 14CA13

Petitioner:

Jose F. Chirinos-Delgado,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT ANNOUNCEMENTS

No. 16SC554, Court of Appeals Case No. 13CA1476

Petitioner:

David Paul Flood,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC564, Court of Appeals Case No. 13CA1165

Petitioner:

William Whittington,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC617, Court of Appeals Case No. 15CA159

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Antero Alaniz.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT would grant as to the following issues:

Whether the court of appeals erred in concluding that a prison cell constitutes a dwelling for purposes of section 18-1-704.5, C.R.S. (2016).

Whether the court of appeals erred in concluding that, in order to successfully assert immunity pursuant to section 18-1-704.5, C.R.S. (2016), a defendant need not prove that he used force against the person who made the unlawful entry into the dwelling.

COLORADO SUPREME COURT ANNOUNCEMENTS

No. 16SC632, Court of Appeals Case No. 15CA1034

Petitioner:

Lakota Cheyenne Curtis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC641, Court of Appeals Case No. 15CA124

Petitioner:

David A. Relaford,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC645, Court of Appeals Case No. 14CA1259

Petitioners:

Martin Acierno, by and through his Co-Guardians, Kathleen Acierno and Cheryl Acierno,

v.

Respondent:

Garyfallos Garyfallou, M.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC671, Court of Appeals Case No. 15CA278

Petitioner:

Wesley Faussett,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT ANNOUNCEMENTS

No. 16SC740, Court of Appeals Case No. 14CA2044

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

A.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC774, Court of Appeals Case No. 14CA1644

Petitioner:

Tad L. Hewitt,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC806, Court of Appeals Case No. 15CA815

In re the Marriage of

Petitioner:

Steven Dale Curtis,

and

Respondent:

Teresa Lynn Curtis.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC912, Court of Appeals Case No. 16CA1019

Petitioner:

P.L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: P.L. and J.L.

Petition for Writ of Certiorari DENIED. EN BANC.
