

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JANUARY 23, 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.

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**OPINIONS**

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**[2017 CO 5](#)**

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**[Supreme Court Case No. 14SC109](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 12CA2298

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Robert Clyde Crouse.

**Judgment Reversed**

*en banc*

**JUSTICE EID** delivered the Opinion of the Court.

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

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**PETITIONS FOR REHEARING**

NONE

**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SA252, District Court, City and County of Denver, Case No. 15CV31188**

**Petitioner:**

The People of the City and County of Denver,

v.

**Respondents:**

Sayed Mubashir Sayed and Terry J. Calvert.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

[REFRAMED] Whether the district court erred in concluding that Denver's herdic licensing ordinance, Denver Revised Municipal Code sections 55-41 to -53, is preempted by state law.

DENIED AS TO ALL OTHER ISSUES.

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**No. 16SC639, Court of Appeals Case No. 15CA582**

**Petitioners:**

TABOR Foundation, a Colorado nonprofit corporation and Penn Pfiffner,

v.

**Respondents:**

Regional Transportation District; Bill James, Director of the Regional Transportation District; Barbara Deadwyler, Director of the Regional Transportation District; Angie Rivera Malpiede, Director of the Regional Transportation District; Jeff Walker, Director of the Regional Transportation District; Claudia Folska, Director of the Regional Transportation District; Tom Tobiassen, Director of the Regional Transportation District; Gary Lasater, Director of the Regional Transportation District; Kent Bagley, Director of the Regional Transportation District; Judy Lubow, Director of the Regional Transportation District; Larry Hoy, Director of the Regional Transportation District; Paul Daniel Solano, Director of the Regional Transportation District; Lorraine Anderson, Director of the Regional Transportation District; Natalie Menten, Director of

***COLORADO SUPREME COURT CASE ANNOUNCEMENTS***

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the Regional Transportation District; Bruce Daly, Director of the Regional Transportation District; Charles Sisk, Director of the Regional Transportation District; Scientific and Cultural Facilities District; Kathryn Spuhler, Director of the Scientific and Cultural Facilities District; Kathy Kucsan, Director of the Scientific and Cultural Facilities District; Dan Hopkins, Director of the Scientific and Cultural Facilities District; Peggy Lehmann, Director of the Scientific and Cultural Facilities District; Joseph Arcese, Director of the Scientific and Cultural Facilities District; Damon Barry, Director of the Scientific and Cultural Facilities District; Robert Grant, Director of the Scientific and Cultural Facilities District; Rob Johnson, Director of the Scientific and Cultural Facilities District; Harold Logan, Jr., Director of the Scientific and Cultural Facilities District; Shepard Nevel, Director of the Scientific and Cultural Facilities District; Elaine Torres, Director of the Scientific and Cultural Facilities District; Marjorie Long, Director of the Scientific and Cultural Facilities District; Colorado Department of Revenue; and Barbara Brohl, Executive Director of the Colorado Department of Revenue.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issues:

[REFRAMED] Whether H.B. 13-1272, which permits the Regional Transportation District and the Scientific and Cultural Facilities District to levy sales taxes on items previously exempt from sales taxes, requires voter approval under the Taxpayer’s Bill of Rights (TABOR), Colo. Const. art. X, § 20(4)(a).

Whether a taxpayer must prove “beyond a reasonable doubt” that a district’s levying of taxes without voter approval violates the Taxpayer’s Bill of Rights (TABOR), Colo. Const. art. X, § 20(4)(a).

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC226, Court of Appeals Case No. 13CA1827**

**Petitioner:**

Miguel Rosalie Sandoval,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC367, Court of Appeals Case No. 13CA250**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Ernesto Castanuela, Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS and JUSTICE EID would grant as to the following issues:

Whether the court of appeals erred in holding that the People had failed to prove beyond a reasonable doubt that two convictions arose from separate and distinct criminal episodes for purposes of the habitual criminal statute, section 18-1.3-801, C.R.S. (2016).

Whether, under the habitual criminal statute, section 18-1.3-801, C.R.S. (2016), application of the proof beyond a reasonable doubt standard requires the People to prove that it is “implausible” that two offenses might have arisen from a single criminal episode.

Under the habitual criminal statute – where the defendant’s two prior convictions were for two distinct criminal offenses that took place eleven days apart, and were separately charged in different cases – must the People present additional evidence of the underlying facts of the offenses to prove they were separate and distinct offenses because the defendant pled guilty and was sentenced in both cases on the same day before the same judge.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 16SC398, Court of Appeals Case No. 14CA1337**

**Petitioner:**

Charles Edward Yoder,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC416, Court of Appeals Case No. 14CA136**

**Petitioner:**

Lucas Christian Bass,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC606, Court of Appeals Case No. 14CA529**

**Petitioners/Cross-Respondents:**

Gary Lensky and Camp D' Orvid at Casa Del Arroyo,

v.

**Respondents/Cross-Petitioners:**

Gery DiDomenico, Carol McDonald, Charles B. Choin, William R. Trujillo, Manual DJ Archuleta, Maria J. Archuleta, and William L. Trujillo.

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

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**No. 16SC679, Court of Appeals Case No. 15CA501**

**Petitioner:**

Eugene Michael Fernandez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 16SC709, Court of Appeals Case No. 14CA1848**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Larry C. Miller.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC769, Court of Appeals Case No. 15CA99**

**Petitioner:**

James Jack Young,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC780, Court of Appeals Case No. 14CA1905**

**Petitioners:**

19185 E. Lincoln Ave, LLC, a Colorado limited liability company; A and A Quality Appliance, Inc. d/b/a Appliance Factory Outlet, Inc., a Colorado corporation d/b/a Appliance Factory Outlet Inc.; 19201 E. Lincoln, LLC, a Colorado limited liability company; and Accelerated Services, LLC, a Colorado limited liability company,

v.

**Respondents:**

Town of Parker, Colorado, a Home Rule Municipal corporation; Parker Lincoln Retail LLC, a Colorado limited liability company; Starbucks Corporation, a Washington corporation; Car Toys, Inc., a Washington corporation; Vixen Nails, LLC, a Colorado limited liability company; JB Sharp, Inc. d/b/a Roosters Men's Grooming Center of Parker Gateway Marketplace, a Colorado corporation; and TLC, Inc. d/b/a Edible Arrangements, a Colorado corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 16SC787, Court of Appeals Case No. 12CA1644**

**Petitioner:**

Antonia Randi Ringsby,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC791, Court of Appeals Case No. 14CA443**

**Petitioner:**

Daniel Wayne Ramburg,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC792, Court of Appeals Case No. 15CA1690**

**In re the Marriage of:**

**Petitioner:**

Laurence R. Burley,

and

**Respondent:**

Mary Jo Burley.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 16SC793, Court of Appeals Case No. 13CA1340**

**Petitioner:**

Andrew L. Johnson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE GABRIEL would grant as to the following issue:

Whether false reporting evidence that a defendant provided a fake name and date of birth to the police in response to an illegal order to identify himself be suppressed, or should it instead be admissible under the attenuation exception to the exclusionary rule, as articulated by this court in People v. Doke, 171 P.3d 237 (Colo. 2007).

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