

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
TUESDAY, OCTOBER 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.

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**OPINIONS**

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**[2017 CO 97](#)**

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**[Supreme Court Case No. 16SC184](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 15CA164

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**Petitioner:**

City of Arvada ex rel. Arvada Police Department,

v.

**Respondent:**

Denver Health and Hospital Authority.

**Judgment Reversed**  
*en banc*

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

**JUSTICE GABRIEL** concurs.

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

**JUSTICE MÁRQUEZ** does not participate.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2017 CO 98**

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**Supreme Court Case No. 13SC128**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 08CA1231

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**Petitioner:**

Bernardino Fuentes-Espinoza,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Reversed**

*en banc*

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

**JUSTICE EID** dissents, and **JUSTICE COATS** and **JUSTICE BOATRIGHT** join in the dissent.

**PETITIONS FOR REHEARING**

NONE

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**Case No. 16SC966, Court of Appeals Case No. 13CA1629**

**Petitioner:**

Derrick Lee Carrera,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the district court lacked jurisdiction to revoke Mr. Carrera’s deferred judgment and sentence and enter the felony conviction because the period of the deferred had been impermissibly continued for payment of costs and fines, and not for payment of restitution, which is the only reason for continuance allowed by the plain language of the statute.

DENIED AS TO ALL OTHER ISSUES

JUSTICE EID would grant to the following issues:

Whether the district court reversibly erred in revoking Mr. Carrera’s deferred judgment and sentence, as it applied the wrong legal standard in reaching its conclusion.

Whether the court of appeals erred in affirming the revocation of Mr. Carrera’s deferred judgment due to his failure to pay fines and fees, because the evidence did not support a finding that Mr. Carrera willfully violated the terms and conditions of his deferred judgment and sentence, as he did not have the financial ability to pay these fines and fees.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**Case No. 16SC979, Court of Appeals Case No. 14CA1959**

**Petitioner:**

Ruth Cheryl Williams,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the State is required to prove, before the revocation of a criminal defendant's deferred judgment for failure to pay restitution, that the defendant was financially able to pay restitution and willfully or unreasonably failed to pay restitution as this Court's opinions in Silcott, Romero, and Strickland require.

Whether the evidence was sufficient to sustain the district court's finding that Ms. Williams violated the terms and conditions of her deferred judgment.

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC865, Court of Appeals Case No. 14CA930**

**Petitioner/Cross-Respondent:**

Luis Alfonso Meza,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

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

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**No. 16SC908, Court of Appeals Case No. 12CA2502**

**Petitioner:**

Michael Martin Clark,

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. 17SC128, Court of Appeals Case No. 13CA1913**

**Petitioner:**

Mannie LeGrand,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC134, Court of Appeals Case No. 15CA2033**

**Petitioner:**

Marc Mandel and Wall Street Radio, Inc. d/b/a Winning on Wall Street,

v.

**Respondent:**

Gerald Rome, Securities Commissioner for the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC283, Court of Appeals Case No. 15CA1321**

**Petitioner:**

Frank Navarro, David Casias-Navarro, Reuben Casias-Navarro, Vernlinn Dixon, and  
Higdon Armstrong,

v.

**Respondent:**

The City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC315, Court of Appeals Case No. 14CA2369**

**Petitioner:**

Albert Lee Pacheco,

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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**Case No. 17SC390, Court of Appeals Case No. 15CA2147**

**Petitioner:**

Ever Martin Olivos-Gutierrez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**Case No. 17SC401, Court of Appeals Case No. 13CA734**

**Petitioner:**

David Paul Arledge,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT does not participate.

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**Case No. 17SC582, Court of Appeals Case No. 16CA1849**

**Petitioner:**

K.J.L.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of the Minor Child: A.T.G.L.

Petition for Writ of Certiorari DENIED. EN BANC.

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**Case No. 17SC635, Court of Appeals Case No. 16CA2196**

**Petitioner:**

L.J.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of the Minor Child: M.J., A.J., R.J. and V.J.

Petition for Writ of Certiorari DENIED. EN BANC.

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