

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MAY 22, 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 48](#)**

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**[Supreme Court Case No. 17SA23](#)**

*Interlocutory Appeal from the District Court*  
La Plata County District Court Case No. 15JD43  
Honorable William L. Herrerger, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,  
In the Interest of

**Juvenile-Appellee:**

Z.T.T.

**Order Reversed**

*en banc*

CHIEF JUSTICE RICE delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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[2017 CO 49](#)

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[Supreme Court Case No. 13SC624](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 11CA2030

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**Petitioner:**

Guy Lucero,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed**

*en banc*

JUSTICE EID delivered the Opinion of the Court.

JUSTICE GABRIEL concurs in the judgment.

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[2017 CO 50](#)

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[Supreme Court Case No. 13SC408](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA2414

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Atorrus Leon Rainer.

**Judgment Reversed**

*en banc*

JUSTICE EID delivered the Opinion of the Court.

JUSTICE GABRIEL does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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[2017 CO 51](#)

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[Supreme Court Case No. 13SC945](#)

*Certiorari to the Colorado Court of Appeals*

Court of Appeals Case No. 11CA2034

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**Petitioner:**

Cheryl Armstrong,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed**

*en banc*

JUSTICE EID delivered the Opinion of the Court.

JUSTICE GABRIEL concurs in the judgment.

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[2017 CO 52](#)

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[Supreme Court Case No. 14SC127](#)

*Certiorari to the Colorado Court of Appeals*

Court of Appeals Case No. 11CA1932

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**Petitioner:**

Alejandro Estrada-Huerta,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed**

*en banc*

JUSTICE EID delivered the Opinion of the Court.

JUSTICE GABRIEL concurs in the judgment.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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[2017 CO 53](#)

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[Supreme Court Case No. 16SA212](#)

*Original Proceeding Pursuant to C.A.R. 21*  
Arapahoe County District Court Case No. 13CV31625  
Honorable Elizabeth A. Weishaupl, Judge

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**In Re:**

**Plaintiff:**

Villas at Highland Park Homeowners Association, Inc., a Colorado nonprofit corporation,  
v.

**Defendants:**

Villas at Highland Park, LLC, a Colorado limited liability company; CC Communities, LLC, a Colorado limited liability company f/k/a Century Communities, LLC; Century Communities, Inc., a Delaware corporation f/k/a Century Communities Colorado, LLC; Horizon Building Services, LLC, a Colorado limited liability company; Dale Francescon, individually; Amy L. Anders, individually; John Healy, individually; Joseph Huey, individually; Kathy Ellis, individually; and John Geary, individually.

**Rule Made Absolute**

*en banc*

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

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

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**[2017 CO 54](#)**

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**[Supreme Court Case No. 15SC933](#)**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 14CA1888

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**Petitioner:**

St. Vrain Valley School District RE-1J,

v.

**Respondents:**

Alexa Rae Loveland, a minor, by and through her parents and next friends, Randy Loveland and Mary Nicole Loveland; and Randy Loveland and Mary Nicole Loveland, individually.

**Judgment Reversed**

*en banc*

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

**PETITIONS FOR REHEARING**

**NONE**

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**PREVIOUSLY GRANTED CERTIORARI PETITION DISMISSED**

**No. 15SC791, Court of Appeals Case No. 14CA1968**

**Petitioner:**

The People of the State of Colorado,

**In the interest of**

**Respondent:**

P.K.

Upon consideration of the Suggestion of Death and the Response to Suggestion of Death filed in the above captioned matter, and now being sufficiently advised in the premises, it is ordered as follows.

The court's order granting certiorari review in this matter is vacated, and the People's Petition for Writ of Certiorari is hereby dismissed. See People v. Griffin, 2014 CO 40, 328 P.3d

91.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC798, Court of Appeals Case No. 15CA1114**

**Petitioner/Cross-Respondent:**

Chester J. Ellsworth,

v.

**Respondents/Cross-Petitioners:**

Ruby D. Stockdale; Kenneth Ray Cardwell; Clara Cardwell; Jennifer Lynn Lake; and Patricia Ann Rider Jones, a/k/a Patricia Ann Jones;

**and Concerning:**

XTO Energy, Inc.

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

Whether the petitioner was properly joined in the sanctions proceedings pursuant to City of Aurora ex rel. Utility Enterprise v. Colorado State Engineer, 105 P.3d 595, 621-24 (Colo. 2005).

[REFRAMED] Whether piercing an entity's corporate veil is a form of vicarious liability supporting joinder pursuant to City of Aurora ex rel. Utility Enterprise v. Colorado State Engineer, 105 P.3d 595 (Colo. 2005).

Whether service of a summons and an opportunity to be heard before entry of the sanctions judgments afforded the petitioner due process.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC971, Court of Appeals Case No. 15CA1007**

**Petitioner:**

Tio Everette Carr,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID would grant as to the following issue:

Whether the court rendered an erroneous opinion in upholding the trial court's denial of Mr. Carr's motion to suppress the unconstitutional search of his mouth.

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**No. 17SC286, Court of Appeals Case No. 16CA1615**

**Petitioner:**

C.J.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of Minor Child:

A.J.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 17SC287, Court of Appeals Case No. 16CA1434**

**Petitioner:**

A.D.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of Minor Child:

W.D.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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