

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JUNE 25, 2018**

"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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**[2018 CO 61](#)**

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**[Supreme Court Case No. 17SA248](#)**

*Original Proceeding Pursuant to C.A.R. 21*  
Weld County District Court Case No. 15CV30227  
Honorable Todd L. Taylor, Judge

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**In Re**

**Plaintiffs:**

Wilson Henry Rains, natural father and heir of Tori Rains-Wedan, deceased; and Bjorn John Wedan, natural father and heir of Austin Wedan, Hunter Wedan, and Mason Wedan, deceased,

v.

**Defendants:**

Douglas H. Barber, personal representative of the Estate of Oliver Ezard Frascona; the Estate of Oliver Ezard Frascona, a/k/a Oliver E. Frascona, a/k/a Oliver Frascona; the Real Estate School, a Colorado LLC; and Joseph B. Lechtanski.

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**Rule Made Absolute**

*en banc*

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

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COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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[2018 CO 62](#)

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[Supreme Court Case No. 14SC990](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA1477

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**Petitioner:**

Andres Castillo,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Reversed**

*en banc*

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

**JUSTICE COATS** dissents, and **JUSTICE BOATRIGHT** joins in the dissent.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2018 CO 63**

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**Supreme Court Case No. 17SA55**

*Appeal from the District Court*

Honorable James F. Hartmann, Water Judge

Weld County District Court, Water Division 1, Case No. 15CW3179

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Concerning the Application for Amendment to Plans for Augmentation of Coors Brewing Company, in Jefferson, Adams, and Weld Counties.

**Applicant-Appellant:**

Coors Brewing Company,

and

**Opposer-Appellant:**

City of Thornton,

v.

**Opposers-Appellees:**

City of Golden, Centennial Water and Sanitation District, City and County of Denver, City of Arvada, City of Black Hawk, City of Northglenn, City of Westminster, Climax Molybdenum Company, Farmers High Line Canal and Reservoir Co., FRICO, Public Service Company of Colorado, State and Division Engineers, and Town of Georgetown.

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**Judgment Affirmed**

*en banc*

**JUSTICE GABRIEL** delivered the Opinion of the Court.  
**JUSTICE BOATRIGHT** does not participate.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**[2018 CO 64](#)**

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**[Supreme Court Case No. 17SA165](#)**

*Original Proceeding in Discipline*

Appeal from the Office of the Presiding Disciplinary Judge 16PDJ062

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**In the Matter of James C. Wollrab**

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**Judgment Affirmed in Part and Reversed in Part**

*en banc*

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JUSTICE HART delivered the Opinion of the Court.

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**ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21**

**18SA87, In Re People v. Kitzmiller**

Prowers County District Court, 17CR202

Order to Show Cause Issued on June 20, 2018

**18SA154, In Re People v. Solon**

Boulder County District Court, 2013M1782

Order to Show Cause Issued on June 21, 2018

**RULE CHANGE**

**[RULE CHANGE 2018\(09\)](#)**

CHAPTER 38

PUBLIC ACCESS TO INFORMATION AND RECORDS

**Rule 2. Public Access to Administrative Records of the Judicial Branch.**

**Amended and Adopted by the Court, En Banc, May 31, 2018, effective immediately.**

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC368, Court of Appeals Case No. 15CA2017**

**Petitioners/Cross-Respondents:**

Colorado Department of State, State of Colorado, and Wayne W. Williams,  
v.

**Respondent/Cross-Petitioner:**

National Federation of Independent Business.

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

[REFRAMED] Whether the court of appeals erred in finding that the existence of a disputed issue of material fact precluded summary judgment.

[REFRAMED] Whether the business and licensing exactions authorized by section 24-21-104 are fees or taxes within the contemplation of TABOR.

[REFRAMED] Whether the business and licensing exactions authorized by section 24-21-104 are dictated by a mechanism or formula that pre-dated TABOR, as to which TABOR therefore does not apply.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC551, Court of Appeals Case No. 14CA1919**

**Petitioner:**

Mark Edward Johnson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC810, Court of Appeals Case No. 14CA487**

**Petitioner:**

Emmett Andrew Larsen,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ and JUSTICE GABRIEL would grant as to the following issue:

Whether in light of the plain language of the sentence enhancement statute and United States v. Alleyne, 570 U.S. 99 (2013), which requires the jury to find any fact that increases a mandatory minimum sentence, the pattern offense-sentence enhancement count must be vacated since the jury did not find the required two or more acts.

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**No. 17SC860, Court of Appeals Case No. 14CA438**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Charles Ray Stane.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC890, Court of Appeals Case No. 16CA1474**

**Petitioner:**

Thomas Fallis,

v.

**Respondents:**

The People of the State of Colorado and Alfred Perna.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC908, Court of Appeals Case No. 15CA1016**

**Petitioner:**

Murray Richard Basinger,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**18SC183, Court of Appeals Case No. 16CA2209**

**Petitioner:**

Colorado Airport Parking, LLC, d/b/a/ US Airport Parking,

v.

**Respondents:**

Kim Day, in her official capacity as manager of Aviation and Department of Aviation of the City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

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**18SC255, Court of Appeals Case No. 17CA751**

**Petitioner:**

A. S.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of Minor Child:

A. L. V.,

**and Concerning**

D. E. and J. E.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC359, Court of Appeals Case No. 17CA1533**

**Petitioner:**

T. D.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

S. D.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC384, Court of Appeals Case No. 17CA1629**

**Petitioners:**

B. C. and D. M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

R. M. and D. M.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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