

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, SEPTEMBER 4, 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.

ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21

18SA181, In Re Gadeco v Grynberg
Arapahoe County District Court, 16CV30959
Order to Show Cause Issued August 16, 2018

RULE CHANGE

[RULE CHANGE 2018\(11\)](#)

**COLORADO RULES OF PROBATE PROCEDURE AND COLORADO PROBATE
CODE FORMS**

**Amended and Adopted by the Court, En Banc, June 28, 2018, effective September 1,
2018.**

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC267, Court of Appeals Case No. 2015CA1711

Petitioner:

Robert Eulogio Vigil,

v.

Respondents:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of People v. Rediger, 15SC326, 2018 CO 32.

Whether a defendant waives his right to appellate review of an erroneous jury instruction by his attorney stating, "As far as I can determine, they're fine."

DENIED AS TO ALL OTHER ISSUES.

No. 18SC330, Court of Appeals Case No. 17CA73

Petitioner:

Colorado Medical Board,

v.

Respondent:

Scott Storm McLaughlin, M.D.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether an agency investigative subpoena can have a lawfully authorized purpose even if the investigation was prompted by a complaint from a different agency under a referral policy that violated the Open Meetings Law or Administrative Procedure Act.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC331, Court of Appeals Case No. 16CA1269

Petitioner:

James Boland, M.D.,

v.

Respondent:

Colorado Medical Board.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether an agency investigative subpoena can have a lawfully authorized purpose even if the investigation was prompted by a complaint from a different agency under a referral policy that violated the Open Meetings Law or Administrative Procedure Act.

DENIED AS TO ALL OTHER ISSUES.

No. 18SC394, Court of Appeals Case No. 14CA1392

Petitioner:

Lance Webster Margerum,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred by announcing a new rule that a witness's probationary status is not admissible to impeach that witness for bias unless there is a "logical connection" between the probationary status and the witness's potential motive for testifying.

Whether a single physical act of assault, with no additional physical action or verbal threat, can be sufficient to support both an assault conviction and a menacing conviction.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC227, Court of Appeals Case No. 13CA227

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Irene M. Lozano-Silva.

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

No. 16SC854, Adams County District Court No. 16CV30709

Petitioner:

Lowa Tillitt,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC93, Court of Appeals Case No. 15CA120

Petitioner:

Jeffery Alan Banworth,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC305, Court of Appeals Case No. 14CA1172

Petitioner:

Mario Mosses Oliveros,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC785, Court of Appeals Case No. 14CA436

Petitioner:

Roberto Carlos Silva-Jaquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC786, Court of Appeals Case No. 15CA627

Petitioner/Cross-Respondent:

Secundino Martinez,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 17SC818, Larimer County District Court Case No. 17CV30148

Petitioner:

Donald Stilo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC4, Court of Appeals Case No. 15CA643

Petitioner:

Michael Lefloyd Abrams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC43, Court of Appeals Case No. 15CA1917

Petitioner:

Heather Rydell,

v.

Respondent:

Discovery, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC114, Court of Appeals Case No. 14CA2186

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Keena Monae Levy.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC128, Court of Appeals Case No. 14CA832

Petitioner:

The People of the State of Colorado,

v.

Respondent:

William Wilson.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC130, Court of Appeals Case No. 14CA1539

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Tony Montoya.

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

JUSTICE BOATRIGHT would grant as to the following issue:

Whether the court of appeals erred in holding that an amendment to a statute that is silent on whether it applies retroactively, applies retroactively to cases that are pending when the amendment was enacted.

No. 18SC136, Court of Appeals Case No. 16CA2081

Petitioner:

Bell Advisors, LLC, a Delaware limited liability company,

v.

Respondent:

American Family Mutual Insurance Company, a Wisconsin Corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC158, Court of Appeals Case No. 14CA2016

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Casey Lee Albee.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC189, Court of Appeals Case No. 16CA1383

Petitioner:

David J. Conyers, M.D.,

v.

Respondent:

Deborah Danko.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC216, Court of Appeals Case No. 16CA1624

Petitioner:

Daniel C. Zook,

v.

Respondent:

El Paso County Retirement Plan.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC222, Court of Appeals Case No. 16CA965

Petitioner:

Travis Edward Sandlin,

v.

Respondents:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC256, El Paso County District Court No. 17CV422

Petitioners:

David H. Zook and Dale Street Bistro Cafe, LLC,

v.

Respondents:

Colorado Springs Utilities and City of Colorado Springs.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC278, Court of Appeals Case No. 17CA292

Petitioner:

Fannie S. White,

v.

Respondent:

Estate of Julian Soto-Lerma, deceased.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC336, Court of Appeals Case No. 16CA1910

Petitioner:

Andrea Lindsley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC340, Court of Appeals Case No. 15CA1775

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

L.J.K.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC342, Court of Appeals Case No. 14CA2130

Petitioner:

Christopher Lyle Fields,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC346, Court of Appeals Case No. 2017CA15

Petitioner:

Mountain Land Construction Company,

v.

Respondents:

Darren M. Hesse and Michelle A. Hesse.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC350, Court of Appeals Case No. 17CA736

Petitioner:

Franklin Gale,

v.

Respondents:

Career Service Authority Board of the City and County of Denver; City and County of Denver, a Colorado Municipal Corporation; and Department of Safety for the City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

18SC356, Court of Appeals Case No. 15CA1175

Petitioner:

Roger Lee Short,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as to the following issue:

Whether the court of appeals correctly drew the line between permissible and impermissible expert testimony on sexual assault victims' characteristics, a line which, as a judge noted in a special concurrence, "is not always clear."

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC361, Court of Appeals Case No. 15CA1677

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Luis Alberto Santiago-Narvaez.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as to the following issue:

Did the Court of Appeals erroneously reverse the case based on a police officer's lay testimony that the sexual assault victim's behavior was consistent with "fresh" sexual assault victims when laypeople can and do understand the terms "fresh" and "cold" without any specialized experience, and where ordinary people can be expected to have experience with persons who have faced recent or distant traumatic events.

18SC382, Court of Appeals Case No. 17CA737

Petitioners:

EWV, LLC, a Colorado Limited Liability Company; Keith Cowan, an individual; and Laurie Lechuga, an individual,

v.

Respondent:

Jose A. Miranda.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC492, Court of Appeals Case No. 17CA2285

Petitioners:

J. H. and P. D.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

S. D.

Petitions for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC496, Court of Appeals Case No. 17CA1854

Petitioner:

G. G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

Z. G.,

and Concerning

T. R.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC503, Court of Appeals Case No. 17CA2088

Petitioner:

C. J. G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K. S. G.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC508, Court of Appeals Case No. 17CA1762

Petitioner:

A. W.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

D. W. and Z. W.,

and Concerning

D. R.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC526, Court of Appeals Case No. 17CA1915

Petitioner:

V. P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. W.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC527, Court of Appeals Case No. 17CA733

Petitioner:

A. N. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. N. F., E.s. L. F., and K. A. F.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC530, Court of Appeals Case No. 17CA2162

Petitioner:

H. P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

H. P., III and M. P.

Petition for Writ of Certiorari DENIED. EN BANC.
