

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, FEBRUARY 12, 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 11](#)**

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**[Supreme Court Case No. 15SC801](#)**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 14CA728

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**Petitioner:**

Caroline Burton,

v.

**Respondent:**

Colorado Access, a/k/a Colorado Access Long Term Disability Plan.

**Judgment Affirmed**

*en banc*

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**[Supreme Court Case No. 16SC163](#)**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 14CA1734

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**Petitioner:**

Brenda Olivar,

v.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**Respondent:**

Public Service Employee Credit Union Long Term Disability Plan.

**Judgment Affirmed**

*en banc*

JUSTICE HOOD delivered the Opinion of the Court.

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**2018 CO 12**

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**Supreme Court Case No. 16SC666**

*Certiorari to the Colorado Court of Appeals*

Court of Appeals Case No. 15CA1046

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**Petitioner:**

Oakwood Holdings, LLC,

v.

**Respondent:**

Mortgage Investments Enterprises, LLC.

**Judgement Reversed**

*en banc*

JUSTICE GABRIEL delivered the Opinion of the Court.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC541, Court of Appeals Case No. 14CA202**

**Petitioner:**

Ryan Matthew Cardman,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the district court violated the petitioner's constitutional right to due process and reversibly erred by admitting statements the petitioner made to a detective, without first determining whether the statements were voluntary and whether the petitioner was entitled to specific performance of direct and/or implied promises made to him by the detective during the interrogation.

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**No. 17SC728, Court of Appeals Case No. 15CA1780**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Frederico Alvarado Hinojos

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred when it held that a non-citizen defendant's allegation that plea counsel misadvised him of the adverse immigration consequences of a guilty plea was sufficient to warrant a hearing on whether he established justifiable excuse or excusable neglect for the untimely filing of his Crim. P. 35(c) motion.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 17SC744, Court of Appeals Case No. 15CA474**

**Petitioner:**

Jennifer Lynn Johnson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in finding that the prosecutor did not engage in misconduct when he repeatedly used variations of the word “lie” to opine on the veracity of witnesses in violation of Wilson v. People, 743 P.2d 415 (Colo. 1987).

Whether the court of appeals erred in concluding that the prosecutor’s repeated references to Johnson’s prior criminality was proper even though the trial court excluded this evidence from trial.

Whether the court of appeals erred in applying the cumulative error analysis test announced in People v. Howard-Walker, 2017 COA 81M, ¶ 118, to evaluate the harm from the prosecutor’s misconduct rather than this court’s test in Domingo-Gomez v. People, 125 P.3d 1043, 1053 (Colo. 2005).

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC466, Court of Appeals Case No. 14CA1035**

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Eugene Robert Trujillo.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGT would grant as to the following issues:

Whether the lesser penalties provided by the plea offer are sufficient corroboration of a convicted defendant's testimony that he would have taken the plea offer if it had been properly conveyed to him. If this is sufficient corroboration, does it eviscerate the rule that corroboration is required.

Whether it is legally acceptable for the court of appeals to overrule the 35(c) court's determination of credibility of a testifying defendant where there is an abundance of record evidence to support the lower court.

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**No. 17SC475, Court of Appeals Case No. 15CA1225**

**Petitioner:**

Jennifer K. Freels,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC504, Court of Appeals Case No. 15CA825**

**Petitioner:**

Patrick L. Catanach,  
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. 17SC526, Court of Appeals Case No. 16CA940**

**Petitioner:**

Development Recovery Company, LLC,

v.

**Respondent:**

Public Service Company of Colorado d/b/a Xcel Energy Company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC546, Court of Appeals Case No. 16CA1085**

**Petitioner:**

Michael Sanchez,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado, Denver Water, and Travelers Indemnity Company.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

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**No. 17SC573, Court of Appeals Case No. 15CA1925**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Michael Tracy McFadden.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC612, Court of Appeals Case No. 14CA2037**

**Petitioner:**

James Lee Michel,

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. 17SC657, Court of Appeals Case No. 16CA919**

**Petitioner:**

Diane Croce,

v.

**Respondent:**

Keith Hetherington.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE MÁRQUEZ does not participate.

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**No. 17SC663, Court of Appeals Case No. 13CA1826**

**Petitioner:**

Amanda V. Al-Faris,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC753, Court of Appeals Case No. 15CA430**

**Petitioner:**

Osei Tatu Adwin Simmons,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC754, Court of Appeals Case No. 15CA2117**

**Petitioner:**

Haley Stanfield,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE MÁRQUEZ does not participate.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC784, Court of Appeals Case No. 15CA1440**

**Petitioner:**

Christian Buck Whaley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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