

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 5, 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 14](#)**

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**[Supreme Court Case No. 17SA20](#)**

*Original Proceeding Pursuant to C.A.R. 21*  
Routt County District Court Case No. 16CV30089  
Honorable Thomas W. Ossola, Judge

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**In Re**

**Plaintiffs:**

Kelley Bailey and Michael Bailey,

v.

**Defendants:**

Mark Hermacinski, M.D.; Leslie Ahlmeyer, M.D.; Mary Bowman, M.D.; and Yampa Valley  
Medical Center, a non-profit corporation.

**Rule Made Absolute**

*en banc*

**CHIEF JUSTICE RICE** delivered the Opinion of the Court.  
**JUSTICE HART** does not participate.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**[2018 CO 15](#)**

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**[Supreme Court Case No. 17SA77](#)**

*Certification of Question of Law*

United States District Court for the District of Colorado

Case No. 16-CV-1929-WJM-CBS

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**Plaintiffs:**

Adolfo Hernandez, Rogelio Flores-Escobar, Francisco Silva-Garcia, Martin Perez-Medel,  
Gustavo Arellano-Olmos, Luis Leon-Salinas, and Manuel Morales,

v.

**Defendants:**

Ray Domenico Farms, Inc.; Gregory L. Domenico; and Theresa M. Domenico.

**Certified Question Answered**

*en banc*

JUSTICE HART delivered the Opinion of the Court.

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

No. 17SA277, In Re The People of the State of Colorado v. Marliese Marie Schreiber  
Adams County District Court Case No. 15CR3718

[Order of dismissal issued on February 26, 2018](#)

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC659, Court of Appeals Case No. 15CA1235**

**Petitioner:**

Frederick Leroy Allman,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erroneously ruled, as a matter of first impression, that pursuant to section 18-5-902(1)(a), C.R.S. (2013), the crime of identity theft is not a continuing offense, in violation of the petitioner's constitutional right against double jeopardy.

[REFRAMED] Whether the trial court abused its discretion in sentencing the petitioner to eight separate counts of identity theft.

[REFRAMED] Whether the district court erroneously exceeded its authority and/or abused its discretion in sentencing the petitioner to incarceration for one count of forgery and probation for the second count of forgery, to be served consecutively.

[REFRAMED] Whether the district court erroneously exceeded its authority and/or abused its discretion in sentencing the petitioner to multiple counts of identity theft and forgery based on identical evidence.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC593, Court of Appeals Case No. 16CA753**

**Petitioner:**

Abdullah Jhalil Ratcliff,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC615, Court of Appeals Case No. 16CA769**

**Petitioners:**

Paula Reyher, Personal Representative of the Estate of Pauline Reyher, and Dr. Wallace Brucker, Individually and as Proposed Representatives of a class of similarly situated persons,

v.

**Respondent:**

State Farm Mutual Automobile Insurance Company, an Illinois corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 17SC616, Court of Appeals Case No. 15CA1840**

**In re: The Estate of Maxine E. Johnson, deceased**

**Petitioners:**

Stephen E. Oxman, Mosaic Foundation Endowment, Devises Bethany College, Bethany Home, Eben Ezer Lutheran Care Center, and Lutheran Family Services,

v.

**Respondents:**

Nature Conservancy, Nature Conservancy of Colorado, National Parks Conservation Association, EarthJustice, and Sky Ranch Lutheran Camp.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGT would grant as to the following issues:

Whether the court of appeals, in a 2-1 decision, erred by concluding that language in a will stating that “my residuary estate” is “to be divided among the devises equally as listed in paragraphs 17 through 35” unambiguously required division of shares in equal amounts when paragraphs 17 through 35 distributed shares in unequal amounts ranging from \$15,000 to \$150,000.

Whether the court of appeals erred by not affirming the judgment based upon § 15-11-806, C.R.S. (2017), which permits a court to reform even an unambiguous instrument, when the probate court, after an evidentiary hearing, made findings that the residuary clause contained a drafting error and that the testator intended to distribute her residuary estate proportionally.

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**No. 17SC736, Court of Appeals Case No. 14CA476**

**Petitioner:**

Anthony Cuevas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC768, Court of Appeals Case No. 14CA1330**

**Petitioner:**

Timothy Bryant Salisbury,

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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