

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, FEBRUARY 26, 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.

PETITION FOR REHEARING

2017 CO 107

Supreme Court Case No. 15SC627
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA228

Petitioners:

Smokebrush Foundation; Katherine Tudor; and Donald Herbert Goede, III,

v.

Respondent:

City of Colorado Springs.

Petition for Rehearing DENIED. EN BANC.
JUSTICE COATS, JUSTICE MÁRQUEZ, and JUSTICE BOATRRIGHT would grant the petition.

RULE CHANGE

[RULE CHANGE 2018\(03\)](#)

COLORADO RULES OF PROFESSIONAL CONDUCT

Rules 5.4. and 7.3.

Amended and Adopted by the Court, En Banc, February 22, 2018, effective immediately.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 18SA19, In Re The People of the State of Colorado v. Sir Mario Owens
Arapahoe County District Court Case No. 16CR705
Order to Show Cause issued on February 8, 2018

No. 18SA26, In Re The People of the State of Colorado v. James Robert Stackhouse
Adams County District Court Case No. 08CR3237
Order to Show Cause issued on February 20, 2018

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC430, Court of Appeals Case No. 15CA1394

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

William Steven Berry.

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

Whether a sheriff's deputy, who removed several weapons from an evidence locker where they were under the possession and control of the sheriff's department, and then converted them to his own personal use, can be charged and convicted of embezzlement of public property under section 18-8-407(1), C.R.S (2017).

[REFRAMED] Whether the court of appeals erred in finding that the cross-petitioner's purchase of firearms held in the evidence locker at the police station where he was a sheriff deputy was "an act relating to his office" as that phrase is used in section 18-8-404, C.R.S. (2017).

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC292, Court of Appeals Case No. 15CA1948

Petitioner:

Ramon L. Fisher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC418, Court of Appeals Case No. 15CA690

Petitioner:

John J. Madrid,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC509, Court of Appeals Case No. 16CA820

Petitioner:

Jose Gumcindo Rosario,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC552, Court of Appeals Case No. 14CA1231

Petitioner:

Kevin Frank Uptain,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC558, Court of Appeals Case No. 17CA870

Petitioner:

Nathan Daniel Knuth,

v.

Respondents:

Kaushiki Chowdhury; Rick Raemisch, Executive Director of Colorado Department of Corrections; Martha Eskesen; Allison Foley; Evangeline Graziano; Office of the Colorado Public Defender; Division of Adult Parole; James Aber; Kate Knowles; County of Jefferson; Colorado State Board of Parole; Randall C. Arp, Judge; State of Colorado; Agency of Alternate Defense; Peter Wier; Colorado Department of Corrections; City of Golden; Brandon Shaffer; Jefferson County Combined Courts; Jefferson County District Attorney's Office; and Steve Jensen.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC596, Court of Appeals Case No. 16CA1321

Petitioner:

Norman Deion Whitaker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC597, Court of Appeals Case No. 17CA709

In re the Marriage of

Petitioner:

David Jackson,

and

Respondent:

Vera Jackson.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC613, Court of Appeals Case No. 14CA920

Petitioner:

Jamal Watkins,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC627, Court of Appeals Case No. 14CA106

Petitioner:

Glenn R. Hernandez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC632, Court of Appeals Case No. 16CA2048

Petitioner:

Bentley Kendrick,

v.

Respondents:

Industrial Claim Appeals Office and United Airlines.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC638, Court of Appeals Case No. 14CA559

Petitioner:

James Michael Budd,

v.

Respondents:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC648, Court of Appeals Case No. 14CA2480

Petitioner:

Edigberto Saez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC652, El Paso County District Court Case No. 16CV33335

Petitioner:

Randle Darren Peace,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC661, Court of Appeals Case No. 15CA470

Petitioner:

Samuel David Carian,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC662, Court of Appeals Case No. 14CA1056

Petitioner:

Scott Fleming Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC675, Jefferson County District Court Case No. 17CV30000

Petitioner:

Antonio Landin,

v.

Respondents:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC683, Court of Appeals Case No. 17CA890

Petitioner:

Josiah I. Pina,

v.

Respondents:

Nebraskaland Tires Co. Inc. and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC684, Court of Appeals Case No. 16CA716

In re the Marriage of

Petitioner:

Robert W. Davenport,

and

Respondent:

Jennifer E. Davenport.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC686, Court of Appeals Case No. 13CA1864

Petitioner:

Austin Verland Ray,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC690, Ouray County District Court Case No. 17CV2

Petitioner:

Mark L. Halper

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC694, Court of Appeals Case No. 15CA785

Petitioner:

Juliana Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC698, Court of Appeals Case No. 14CA587

Petitioner:

Andrew Mikeal Franks,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC706, Court of Appeals Case No. 14CA1654

Petitioner:

Philip Christopher Butler,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC714, Court of Appeals Case No. 15CA564

Petitioners:

Dennis Sladek and Diana Sladek,

v.

Respondent:

U.S. Bank National Association, as successor-in-interest to Bank of America, NA, as Trustee, as Successor by Merger to LaSalle National Association, as Indenture Trustee, on behalf of the Holders of the Accredited Mortgage Loan Trust 2005-3 Asset Backed Notes.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC750, Court of Appeals Case No. 15CA295

Petitioner:

Terri L. Vangundy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC762, District Court, City and County of Denver, Case No. 15CA295

Petitioner:

George Rossie,

v.

Respondent:

Liberty Mutual Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC764, Court of Appeals Case No. 14CA1838

Petitioner:

John Peter Daucunas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC765, Court of Appeals Case No. 14CA2339

Petitioner:

Chappell Rafiq Abdul Al-Siddiq,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC766, Court of Appeals Case No. 14CA1334

Petitioner:

Kyra Nicole Munford,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC770, Court of Appeals Case No. 17CA87

Petitioner:

Chataigner McCaffrey,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC774, Court of Appeals Case No. 15CA2049

Petitioner:

Mauro Jesus Aquirre-Llanas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC775, Court of Appeals Case No. 17CA760

Petitioner:

Kenneth Wade Garner,

v.

Respondents:

Bridgette Tomasetti, a Hearing Officer with the Colorado Department of Revenue, Division of Motor Vehicles and Colorado Department of Revenue, Division of Motor Vehicles, acting by and through Its Executive Director, Barbara J. Brohl.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC777, Court of Appeals Case No. 14CA2486

Petitioner/Cross-Respondent:

Michael Floyd Trujillo,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

No. 17SC779, Court of Appeals Case No. 17CA1102

Petitioner:

Antoinette Y. Roybal,

v.

Respondents:

Industrial Claim Appeals Office and Servicelink Services, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC782, Court of Appeals Case No. 16CA1799

Petitioner:

Roger L. Clarke,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC790, Court of Appeals Case No. 16CA1045

Petitioner:

Rod R. Brown,

v.

Respondent:

Craig E. Wagner.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC793, Court of Appeals Case No. 14CA2403

Petitioner:

Edwin Ernesto Rivera-Gracias,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC795, Court of Appeals Case No. 16CA476

Petitioner:

Franklin Jay Reed,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC797, Court of Appeals Case No. 17CA592

Petitioner:

Leonard English,

v.

Respondent:

Industrial Claim Appeals Office and Small Business Administration.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC802, Court of Appeals Case No. 14CA2364

Petitioner:

Willie Antoine Redd,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC804, Court of Appeals Case No. 15CA2151

Petitioner:

Marco Antonio Almaraz-Rangel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC813, Court of Appeals Case Nos. 15CA1295 & 15CA1296

Petitioner:

Demetrio Antonio Valerga,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC15, Court of Appeals Case No. 17CA693

Petitioner:

D.J.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: K.J.S. and C.J.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC52, Court of Appeals Case No. 17CA211

Petitioner:

A.J.B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child: H.P.M.

Petition for Writ of Certiorari DENIED. EN BANC.
