

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 17, 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.

OPINIONS

[2018 CO 72](#)

[Supreme Court Case No. 16SC81](#)
Certiorari to Colorado Court of Appeals
Court of Appeals Court Case No. 2014CA2030

Petitioner:

Dustin Lee James,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

CHIEF JUSTICE COATS delivered the Opinion of the Court.
JUSTICE GABRIEL concurs in the judgment, and **JUSTICE HOOD** and **JUSTICE HART** join in the concurrence.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 73](#)

[Supreme Court Case No. 16SC114](#)

Certiorari to Colorado Court of Appeals

Court of Appeals Court Case No. 2013CA802

Petitioner:

Albert Johnson,

v.

Respondents:

Ryan Lee Schonlaw and VCG Restaurants Denver, Inc., d/b/a PT's ALL NUDE, a Colorado corporation.

Judgment Reversed

en banc

CHIEF JUSTICE COATS delivered the Opinion of the Court.

JUSTICE HART concurs in the judgment.

JUSTICE GABRIEL dissents, and **JUSTICE HOOD** joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 74](#)

[Supreme Court Case No. 17SC115](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 15CA918

Petitioner:

Perfect Place, LLC, a Colorado limited liability company,

v.

Respondent:

R. Parker Semler.

Judgment Reversed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 75](#)

[Supreme Court Case No. 17SA183](#)

Interlocutory Appeal from the District Court

District Court, City and County of Denver, Case No. 16CR2598

Honorable Brian R. Whitney, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Daniel S. Gutierrez.

Order Affirmed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 76](#)

[Supreme Court Case No. 17SC241](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA239

Petitioner:

C. Randel Lewis, solely in his capacity as receiver,

v.

Respondent:

Steve Taylor.

Judgment Reversed
en banc

JUSTICE HOOD delivered the Opinion of the Court.
JUSTICE HART dissents.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 77](#)

[Supreme Court Case No. 18SA90](#)

Original Proceeding Pursuant to C.A.R. 21
Arapahoe County District Court Case No. 95CR675
Honorable Carlos A. Samour, Jr., Judge

**In Re
Plaintiff:**

The People of the State of Colorado,

v.

Defendant:

Curtis A. Brooks.

Rule Discharged
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

CHIEF JUSTICE COATS concurs in the judgment and **JUSTICE MÁRQUEZ** joins in the concurrence.

JUSTICE SAMOUR does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGES

[RULE CHANGE 2018\(12\)](#)

RULES OF CRIMINAL PROCEDURE

Rules 15, 24(g), and 49.5

Amended and Adopted by the Court, En Banc, September 6, 2018, effective immediately.

[RULE CHANGE 2018\(13\)](#)

COLORADO RULES FOR MAGISTRATES

Rule 6

Amended and Adopted by the Court, En Banc, September 11, 2018, effective immediately.

[RULE CHANGE 2018\(14\)](#)

COLORADO APPELLATE RULES

Rules 3.4

Amended and Adopted by the Court, En Banc, September 11, 2018, effective immediately.

ORIGINAL PROCEEDINGS

18SA224, In Re People v. Tafoya

Mesa County District Court

Order to Show Cause issued on September 11, 2018

18SA228, In Re Reeves-Toney v. School District No. 1

District Court City and County of Denver

Order to Show Cause Issued on September 13, 2018

18SA212, Santich, Georgina v. VCG Holding

U.S. District Court for the District of Colorado

The Court accepted the question submitted by the United States District Court for the District of Colorado on September 13, 2018

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC41, Court of Appeals Case No. 16CA1379

Petitioner:

The People of the State of Colorado,

v.

In the Interest of

Respondent:

J.D.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred by granting a juvenile magistrate jurisdictional authority to reconsider its order accepting a plea.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC839, District Court, City and County of Denver No. 16CV31085

Petitioner:

Christopher Blount,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC857, Court of Appeals Case No. 15CA797

Petitioner:

Nathan Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC46, Court of Appeals Case No. 15CA98

Petitioner:

Laron Antonio Donald,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC86, Court of Appeals Case No. 16CA905

Petitioner:

Edward Robbins,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC116, Court of Appeals Case No. 15CA1547

Petitioner:

Gregory Mingchiu Ching,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC165, Court of Appeals Case No. 15CA1160

Petitioner:

Ricardo Velazquez-Loredo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC175, Arapahoe County District Court Case No. 17CV232

Petitioner:

Hubbert H. Roy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC179, Court of Appeals Case No. 16CA1629

Petitioner:

Raymond Arthur Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC210, Court of Appeals Case No. 15CA1582

Petitioner:

EJ Terry Aragon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC233, Weld County District Court Case No. 17CV30565

Petitioner:

Knight Durand Colburn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC272, Court of Appeals Case No. 16CA1428

Petitioner:

Jay Winterburn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC292, Larimer County District Court Case No. 17CV30657

Petitioner:

Michael Peter Ryan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC300, Court of Appeals Case No. 15CA1308

Petitioner:

Forest Sims,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC301, Court of Appeals Case No. 16CA469

Petitioner:

Angel Quintana,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC304, Fremont County District Court Case No. 17CV77

Petitioner:

Thomas Earl Eason,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC318, El Paso County District Court Case No. 17CV32487

Petitioner:

Monica Fredrick,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC338, Court of Appeals Case No. 16CA526

Petitioner:

Nichole Renea Allen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC343, Court of Appeals Case No. 16CA443

Petitioner:

Michael Charles Zink,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC347, Court of Appeals Case No. 16CA646

Petitioner:

James William Carnall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC349, Court of Appeals Case No. 16CA1153

Petitioner:

Terry Myers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC351, Boulder County District Court Case No. 17CV30944

Petitioner:

Randolph Jensen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC355, El Paso County District Court Case No. 17CV31840

Petitioner:

Thomas Ryan Dole,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC362, Court of Appeals Case No. 16CA222

Petitioner:

Jacob John Lahr,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC364, Court of Appeals Case No. 15CA1928

Petitioner:

Charles Fredrick Wade,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC368, Court of Appeals Case No. 16CA1420

Petitioner:

Robert Lee Roy Estes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC369, Court of Appeals Case No. 16CA2224

Petitioner:

James M. Bertolo,

v.

Respondents:

Rick Raemisch, Executive Director of the Colorado Department of Corrections; Colorado State Parole Board; Randy Lind, Warden of the Colorado Territorial Correctional Facility; Sex Offender Management Board; and Joe Morales.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC373, Court of Appeals Case No. 17CA1349

Petitioner:

Brian Anderson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC380, Adams County District Court Case No. 17CV30129

Petitioner:

Raymond Navarette-Vega,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC381, Court of Appeals Case No. 16CA2039

Petitioner:

Aberaham Feser,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC383, Court of Appeals Case No. 17CA1261

Petitioner:

Arjune Mirchandani,

v.

Respondent:

Honorable Gary M. Jackson, in his official capacity as judge.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC385, Court of Appeals Case No. 16CA600

Petitioner:

Robert Lino Espinoza, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC401, Court of Appeals Case No. 17CA458

Petitioners:

B. Michael Henkel and Christine Henkel,

v.

Respondent:

Citibank, N.A. as Trustee for the Certificateholders of the Bear Sterns ALT-A Trust 2007-1, Mortgage Pass Through Certificates, Series 2007-1.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC409, Court of Appeals Case No. 14CA1856

Petitioner:

Arica Lynn Vlach,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC412, Court of Appeals Case No. 16CA1651

Petitioner:

Arthur Espinoza,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC413, Court of Appeals Case No. 17CA977

Petitioner:

Anthony Lorenzo Perea,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC418, Larimer County District Court Case No. 17CV264

Petitioner:

Anthony Cramer,

v.

Respondent:

Bank of America, NA.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC420, Adams County District Court Case No. 17CV30021

Petitioner:

Joanna Joy Blauch,

v.

Respondent:

The People of the State of Colorado, by and through the People of the City of Westminster.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC588, Court of Appeals Case No. 17CA2364

Petitioner:

T. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

B. P.

Petition for Writ of Certiorari DENIED. EN BANC.