

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, APRIL 8, 2019**

"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**

---

---

**[2019 CO 21](#)**

---

---

**[Supreme Court Case No. 15SC268](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 07CA561

---

**Petitioner:**

Robert Keith Ray,

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 part and dissents in part, and **JUSTICE HART** joins in the concurrence in part and dissent in part.  
**JUSTICE SAMOUR** does not participate.

---

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

---

---

**[2019 CO 22](#)**

---

**[Supreme Court Case No. 17SC862](#)**

*Certiorari to the Colorado Court of Appeals*

Court of Appeals Case No. 16CA1723

---

**Petitioners:**

Hinsdale County Board of Equalization and Board of Assessment Appeals, State of Colorado.

v.

**Respondents:**

HDH Partnership; Lawrence Ausherman; Hondros Family Real Estate, LLC; Mark L. Ish; Herb Marchman; and Teresa M. Mull Revocable Trust.

---

**Judgment Reversed**

*en banc*

---

**JUSTICE MÁRQUEZ** delivered the Opinion of the Court.

**JUSTICE GABRIEL** concurs in the judgment, and **JUSTICE HOOD** joins in the concurrence in the judgment.

---

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

---

---

[2019 CO 23](#)

---

[Supreme Court Case No. 16SC413](#)

*Certiorari to the Colorado Court of Appeals*

Court of Appeals Case No. 14CA1559

---

**Petitioner:**

David R. Calvert,

v.

**Respondents:**

Diane L. Mayberry a/k/a Diane Marie Laba-Mayberry and Desiree L. Mayberry.

---

**Judgment Affirmed in Part and Reversed in Part**

*en banc*

**JUSTICE BOATRIGHT** delivered the Opinion of the Court.

**CHIEF JUSTICE COATS** dissents, and **JUSTICE SAMOUR** joins in the dissent.

---

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

---

---

[2019 CO 24](#)

---

---

[Supreme Court Case No. 18SA267](#)

*Interlocutory Appeal from the District Court*  
Arapahoe County District Court Case No. 18CR1068  
Honorable Andrew Baum, Judge

---

**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Shaun R. Davis.

---

**Order Reversed**

*en banc*

---

JUSTICE HOOD delivered the Opinion of the Court.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

[2019 CO 25](#)

---

[Supreme Court Case No. 16SC88](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA1164

---

**Petitioner:**

Jeremy Keith Sharrow,

v.

**Respondent:**

The People of the State of Colorado.

---

**Judgment Affirmed**

*en banc*

---

JUSTICE SAMOUR delivered the Opinion of the Court.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**HELD PETITIONS FOR WRIT OF CERTIORARI**

**16SC688, *Hermosillo v. People***

Held pending 15SC770, *Vigil v. People*

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**18SC395, Court of Appeals Case No. 14CA2252**

**Petitioner/Cross-Respondent:**

Jackie Ray Duke,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

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

---

**No. 18SC484, Court of Appeals Case No. 15CA1991**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Timothy James Bittleston.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGT and JUSTICE SAMOUR would grant as to the following issue:

Whether the court of appeals correctly held that a trial court's use of language in supplemental jury instructions consistent with that requested by defense counsel, which supported the theory of defense, and to which the prosecution objected, did not implicate the invited error doctrine.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC550, Court of Appeals Case No. 16CA695**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Emery Wayne Trombley.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC573, Court of Appeals Case No. 17CA341**

**Petitioner:**

The Children's Hospital Colorado, a Colorado nonprofit corporation,

v.

**Respondents:**

Board of Assessment Appeals and Property Tax Administrator.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC585, Court of Appeals Case No. 17CA675**

**Petitioner/Cross-Respondent:**

Laura Lichter,

v.

**Respondents/Cross-Petitioners:**

Hamblin Lake I, LLC., and Independent Reservoir Company, Inc.

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

---

**No. 18SC652, Court of Appeals Case No. 17CA1282**

**Petitioner:**

James Jerome Barry,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC710, Court of Appeals Case No. 15CA412**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Hamdi D. Neamah.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC761, Court of Appeals Case No. 15CA2080**

**Petitioner:**

Tyler Russell Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC781, Court of Appeals Case No. 16CA219**

**Petitioner:**

Jeffrey Dean Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC804, Court of Appeals Case No. 17CA1240**

**Petitioner:**

A.T.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.A.Q.H.,

**and Concerning**

**Intervenors:**

M.D. and A.D.

Petition for Writ of Certiorari DENIED. EN BANC.

---



*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC827, Court of Appeals Case No. 16CA440**

**Petitioner:**

Charles Andrew Petefish,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC830, Court of Appeals Case No. 17CA1416**

**Petitioner:**

Rita A. Nesbitt as trustee of Rita A. Nesbitt Trust,

v.

**Respondents:**

Kathryn Y. Scott, Rodney A. Scott, and Vicki K. Scott.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC845, Court of Appeals Case No. 14CA2414**

**Petitioner:**

William Alan Gay,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC854, Court of Appeals Case No. 17CA1791**

**Petitioner:**

Town of Silt, Colorado,

v.

**Respondents:**

Jay Barner and Tracy Barner.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC857, Court of Appeals Case No. 16CA910**

**Petitioner:**

Jasen Albert Teal,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC862, Court of Appeals Case No. 15CA1966**

**Petitioner:**

Steven Lawrence, II,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC902, Court of Appeals Case No. 17CA1588**

**Petitioner:**

Marlan Clark Fox,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 19SC3, Court of Appeals Case No. 17CA2261**

**Petitioners:**

Nancy Booz and Trish Hall,

v.

**Respondents:**

Mesa County Valley School District No. 51 and Board of Education of Mesa County Valley School District No. 51.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 19SC4, Court of Appeals Case No. 16CA1411**

**Petitioner:**

Vincent Rivera,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

---

**No. 19SC6, District Court, City and County of Denver, Case No. 17CV33893**

**Petitioner:**

Andrew R. Duke,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

---

**No. 19SC68, Jefferson County District Court Case No. 18CV30526**

**Petitioner:**

Adam Kastning,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

---

**No. 19SC74, Court of Appeals Case No. 15CA1577**

**Petitioner:**

Orlando E. Thompson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 19SC80, Arapahoe County District Court Case No. 17CV32488**

**Petitioner:**

Mark Longoria,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 19SC82, Court of Appeals Case No. 18CA195**

**Petitioner:**

Christopher Michael Krause,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 19SC87, Court of Appeals Case No. 17CA2391**

**Petitioner:**

Joshua Daniel Reith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 19SC75, Court of Appeals Case No. 17CA1951**

**Petitioner:**

B.C.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

B.C. and S.C.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 19SC95, Court of Appeals Case No. 18CA496**

**Petitioners:**

L.B.-J. and L.J.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

M.J., A.J., R.J., and V.J.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 19SC96, Court of Appeals Case No. 18CA648**

**Petitioner:**

K.B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

L.B.-A., P.B.-A., and J.B.-A.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 19SC143, Court of Appeals Case No. 18CA338**

**Petitioner:**

M.C.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

G.C., V.C., and A.C.,

**and Concerning:**

A.A.T.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 19SC160, Court of Appeals Case No. 18CA1093**

**Petitioner:**

H.J.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.J.

Petition for Writ of Certiorari DENIED. EN BANC.

---