

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JANUARY 14, 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 1](#)

[Supreme Court Case No. 17SC33](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA1514

Petitioners:

State of Colorado, Colorado Department of Revenue and Executive Director of the
Colorado Department of Revenue,

v.

Respondents:

John Medved and Debra Medved.

Judgment Reversed
en banc

JUSTICE HOOD delivered the Opinion of the Court.
JUSTICE BOATRIGHT does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2019 CO 2](#)

[Supreme Court Case No. 2018SA180](#)

Interlocutory Appeal from the District Court
El Paso County District Court Case No. 18CR950
Honorable Gregory R. Werner, Judge
Honorable Gilbert A. Martinez, Senior Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Devon Paul Garrett Burnett.

Order Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2019 CO 3](#)

[Supreme Court Case No. 17SC297](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 16CA564

Petitioners:

Colorado Oil and Gas Conservation Commission, American Petroleum Institute, and
Colorado Petroleum Association,

v.

Respondents:

Xiuhtezcatl Martinez, Itzcuahtli Roske-Martinez, Sonora Brinkley, Aerielle Deering,
Trinity Carter, Jamirah DuHamel, and Emma Bray, minors appearing by and through
their legal guardians Tamara Roske, Bindi Brinkley, Eleni Deering, Jasmine Jones, Robin
Ruston, and Diana Bray.

Judgment Reversed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2019 CO 4](#)

[Supreme Court Case No. 17SC250](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA2167

Petitioner:

Arapahoe County Department of Human Services,

v.

The People of the State of Colorado,

In the Interest of

Respondent:

D.Z.B., Juvenile.

Judgment Reversed

en banc

JUSTICE HART delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2019 CO 5](#)

[Supreme Court Case No. 17SC139](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA965

Petitioners:

School District No. 1 in the County of Denver and State of Colorado and Board of Education of School District No. 1 in the County of Denver and State of Colorado,

v.

Respondent:

Denver Classroom Teachers Association.

Judgment Affirmed

en banc

JUSTICE SAMOUR delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

2018 CO 93

Supreme Court Case No. 15SC504
Certiorari to Colorado Court of Appeals
Court of Appeals Court Case No. 2013CA276

Petitioner:

George J. Ruibal,

v.

Respondent:

The People of the State of Colorado.

Petition for Rehearing DENIED. EN BANC.
JUSTICE GABRIEL does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2018 CO 94

Supreme Court Case No. 18SA92
Original Proceeding Pursuant to C.A.R. 21
Mesa County District Court Case No. 15CV30797
Honorable Lance Phillip Timbreza, Judge

**In Re
Plaintiff:**

Kayla Fox,

v.

Defendants:

William Alfini, Jr., D.C.; and Brady Chiropractic Group, P.C.

Petition for Rehearing DENIED. EN BANC.
CHIEF JUSTICE COATS, JUSTICE BOATRIGHT, and JUSTICE SAMOUR would grant
the petition.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDING

No. 19SA3, In Re: Prout, Vickie v. Mansfield, Ryan
Arapahoe County District Court No. 17CV31624
Order to Show Cause Issued on January 9, 2019

No. 18SA272, In Re: People v. Eberly, Kelley
Eagle County District Court No. 17CR326
[Order issued dismissing case January 10, 2019](#)

HELD PETITIONS FOR WRIT OF CERTIORARI

18SC211, Colorado Medical Board v. Stone
Held pending 18SC330, Colorado Medical Board v. McLaughlin; 18SC331, Colorado Medical Board v. Boland

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC180, Court of Appeals Case No. 15CA354

Petitioner:

Raymond Muniz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether section 18-1.3-102, C.R.S. (2010) precludes extension of a term of deferred judgment beyond that originally imposed for anything other than nonpayment of restitution.

[REFRAMED] Whether, when an extension of a deferred judgment is warranted, a district court is authorized to grant an extension of more than 180 days from the expiration of the original deferred judgment period.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC445, Court of Appeals Case No. 14CA1752

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Andre Demetrius Willi Jones.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the exclusion of the defendant’s parents for cause during the testimony of the defendant’s sons constitutes a “closure” for purposes of the Sixth Amendment when the courtroom remained open to the general public during the entire trial.

Whether the court of appeals erred by interpreting the child abuse statute to preclude a conviction for child abuse where the child suffered injuries in utero but was then born alive, contrary to another division’s holding in *People v. Lage*, 232 P.3d 138 (Colo. App. 2009), and inconsistent with the post *Lage* amendments to the child abuse statute.

DENIED AS TO ALL OTHER ISSUES.

18SC582, Court of Appeals Case No. 15CA1176

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Abel Lujan.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a brief courtroom closure to re-read a previously given instruction violates a criminal defendant’s right to a public trial.

[REFRAMED] Whether a remand is an appropriate remedy when the trial court fails to make findings consistent with *Waller v. Georgia*, 467 U.S. 39 (1984).

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC621, Court of Appeals Case No. 16CA2011

Petitioners:

John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 5, John Doe 6, John Doe 7, John Doe 8, and John Doe 9,

v.

Respondents:

Colorado Department of Public Health and Environment; Larry Wolk, in his official capacity as Executive Director of the Department of Public Health and Environment; and Natalie Riggins, in her official capacity as State Registrar and Director of Medical Marijuana Registry;

and

Colorado Medical Board.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals correctly held that an entire state agency – here, the Colorado Department of Public Health and Environment – cannot be a “state public body” under the Colorado Open Meetings Law.

Whether the court of appeals correctly held that the Department’s referral of a physician to the Colorado Medical Board for possible investigation is not a “final agency action” subject to judicial review under the Colorado Administrative Procedure Act.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC102, Court of Appeals Case No. 14CA1545

Petitioner:

Ronald Laroy Lewis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC105, Arapahoe County District Court Case No. 16CV31120

Petitioner:

Uforma Andrew Efagene

v.

Respondent:

The People of the State of Colorado

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC153, Larimer County District Court Case No. 17CV199

Petitioner:

Robin Sean Arnold,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC194, Court of Appeals Case No. 17CA10

Petitioner:

The People of the State of Colorado,

v.

Respondent:

David Christian Luna.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC212, Court of Appeals Case Nos. 16CA1081 & 16CA1798

Petitioner /Cross-Respondent:

First-Citizens Bank & Trust Company.

v.

Respondent /Cross-Petitioner:

Liberty Bankers Life Insurance Company.

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

No. 18SC232, Court of Appeals Case No. 14CA1452

Petitioner:

Jakob Ruben Mayer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC279, Court of Appeals Case No. 16CA1524

Petitioner:

Abdu-Latif Kazembe Abu-Nantambu-El,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC306, Court of Appeals Case No. 16CA215

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Danielle Palmer.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC327, Court of Appeals Case No. 17CA162

Petitioner:

Natalie Bendinelli,

v.

Respondents:

Brittany Bendinelli and Metropolitan Property and Casualty Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC352, Court of Appeals Case No. 14CA2508

Petitioner:

Terry Romero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 18SC403, Mesa County District Court Case No. 17CV30586

Petitioners:

Kyle Meyer and Kylee Meyer,

v.

Respondents:

Maureen Arnold and Todd Grandbouche.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC429, Court of Appeals Case No. 15CA977

Petitioner:

Jade Courtney Valdez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC447, Court of Appeals Case No. 15CA1239

Petitioner/Cross-Respondent:

The People of the State of Colorado,
In the Interest of

Respondent/Cross-Petitioner:

G.B.

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

No. 18SC448, Court of Appeals Case No. 16CA803

Petitioner:

Sergio Sanchez, Jr.,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC451, Court of Appeals Case No. 15CA558

Petitioner:

Christopher Scott Holmes,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC469, Court of Appeals Case No. 17CA404

Petitioner:

The People of the State of Colorado,
In the Interest of Minor Children:

L.M. and M.M.

and Concerning

Respondents:

K.M. and E.L.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC516, Court of Appeals Case No. 16CA1934

Respondent:

The People of the State of Colorado,
In the Interest of

Petitioner:

C. N. S.- S.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC541, Court of Appeals Case No. 15CA1040

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Joshua Travis Snow.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC554, Court of Appeals Case No. 14CA2257

Petitioner:

Clifford Charles Galley, II,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC564, Court of Appeals Case No. 15CA1721

Petitioner:

Gustav Alois Mehrer,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC566, Court of Appeals Case No. 17CA291

In re the Marriage of

Petitioner:

Arnulfo Banuelos,
and

Respondent:

Bertha Alicia Banuelos.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC593, Court of Appeals Case No. 17CA188

Petitioner:

Donald Quint,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC597, Arapahoe County District Court Case No. 15CV530

Petitioner:

Elisabeth Harper Epps,
v.

Respondent:

The People of the City of Aurora, State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC600, Fremont County District Court Case No. 17CV30054

Petitioner:

Medicredit, Inc.,
v.

Respondent:

Bruce Kowkabany.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC612, Court of Appeals Case No. 16CA109

Petitioner:

Malik Ty Muhammad,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC618, Court of Appeals Case No. 16CA1811

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

J.B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC779, Weld County District Court Case No. 18CV30228

Petitioner:

Victoria Hittson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC782, Adams County District Court Case No. 18CV31488

Petitioner:

Michael Frye,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC787, Weld County District Court Case No. 18CV30193

Petitioner:

Daniel Davila-Bernal,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC794, Court of Appeals Case No. 18CA273

Petitioner:

Velma Brooks,

v.

Respondents:

Industrial Claim Appeals Office and Aurora Public School District.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 18SC796, Court of Appeals Case No. 16CA344

Petitioner:

Lawrence Allen White,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC809, Court of Appeals Case No. 17CA112

Petitioner:

Isom Lofton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC818, Court of Appeals Case No. 17CA2190

Petitioner:

M. N.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C. N.

Petition for Writ of Certiorari DENIED. EN BANC.