

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 29, 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 28](#)

[Supreme Court Case No. 18SA216](#)

Appeal from the District Court

Alamosa County District Court, Water Division 3, Case No. 13CW3012
Honorable Pattie P. Swift, Water Judge

Concerning the Application for Water Rights of S. Cade Huffaker and Bradley H. Huffaker in
the Conejos River or its Tributaries in Conejos County.

Applicants-Appellants:

S. Cade Huffaker and Bradley H. Huffaker,

v.

Opposer-Appellee:

Lee Crowther,

and Concerning

Appellee:

Craig Cotten, Division Engineer, Water Division 3.

Judgment Reversed

en banc

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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Supreme Court Case No. 18SA217

Appeal from the District Court

Alamosa County District Court, Water Division 3, Case No. 16CW3013

Honorable Pattie P. Swift, Water Judge

Concerning the Application for Water Rights of Lee Crowther in the Conejos River or its
Tributaries in Conejos County.

Applicant-Appellee:

Lee Crowther,

v.

Opposers-Appellants:

S. Cade Huffaker and Bradley H. Huffaker,

and

Opposer-Appellee:

Conejos Water Conservancy District,

and Concerning

Appellee:

Craig Cotten, Division Engineer, Water Division 3.

Judgment Reversed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2019 CO 29](#)

[Supreme Court Case No. 16SC542](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA72

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Brent Richard Berdahl.

Judgment Reversed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2019 CO 30](#)

[Supreme Court Case No. 16SC783](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA921

Petitioner:

Tommy Allen Gow,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC571, Court of Appeals Case No. 16CA1652

Petitioner:

City of Grand Junction, Colorado,

v.

Respondents:

Roberto Lopez, Jordan Pierson, and Kolby Gimmeson.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC592, Arapahoe County District Court Case No. 17CV32322

Petitioner:

Megan Nicole Feebeck,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC599, El Paso County District Court Case No. 17CV33105

Petitioner:

Phillip Pettiford,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC718, Court of Appeals Case No. 15CA868

Petitioner:

Christopher Jompp,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC757, Court of Appeals Case No. 16CA1831

Petitioner:

Jerod Lance Wade,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 18SC764, Court of Appeals Case No. 17CA991

Petitioner:

Leo Lerma,

v.

Respondent:

Maria Herrera.

Petition for Writ of Certiorari is DENIED. EN BANC.

JUSTICE BOATRRIGHT would grant as to the following issues:

Whether the court of appeals erred in determining that excluding a numeric workers' compensation impairment rating from a personal jury trial constitutes an abuse of discretion.

Whether the court of appeals erred in interpreting that *Smith* requires the defendant's specific insurer be mentioned in the insurance question asked during voir dire.

No. 18SC798, Adams County District Court Case No. 18CV30737

Petitioner:

Charles Sonntag,

v.

Respondent:

James Parra Ruiz.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC826, Court of Appeals Case No. 16CA1584

Petitioner:

Kyle David Atkinson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC834, Court of Appeals Case No. 15CA448

Petitioner:

Alton Edward Kirkland,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC876, Court of Appeals Case No. 15CA1612

Petitioner:

Charles Whitten,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC885, Pueblo County District Court Case No. 18CV30173

Petitioner:

Fernando Trujillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC13, Court of Appeals Case No. 15CA1989

Petitioner:

Daniel Alan Fougner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as to the following issues:

Whether the evidence is sufficient to prove a defendant is guilty of tampering with physical evidence because he acted with the belief that an “official proceeding” was “pending or about to be instituted,” where the record shows the defendant discarded incriminating evidence before the police identified him as a suspect, and discarded it because he believed it might help him avoid prosecution.

Whether the evidence is sufficient to prove someone is guilty of tampering with physical evidence because he acted “without legal right or authority,” where the record shows he discarded evidence that was his own property before the police seized or subpoenaed it.

No. 19SC28, Jefferson County District Court Case No. 18CV30424

Petitioner:

Christina A. Davis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC29, Court of Appeals Case No. 17CA247

Petitioner:

Raymond Enriquez, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC52, Court of Appeals Case No. 16CA2088

Petitioner:

Joseph Michael Saks, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC55, Court of Appeals Case No. 15CA1268

Petitioner:

Jason Erik Coach,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC61, Court of Appeals Case No. 16CA1106

Petitioner:

Andres F. Gaspar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC91, Court of Appeals Case No. 16CA1404

Petitioner:

Melissa Knomese Hollaway,

v.

Respondent:

The People of the State of Colorado,

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC185, Court of Appeals Case No. 18CA816

Petitioner:

H. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

W. B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC228, Court of Appeals Case No. 18CA371

Petitioner:

L. L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. S.

Petition for Writ of Certiorari DENIED. EN BANC.
