

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 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 20](#)**

---

---

**[Supreme Court Case No. 18SA257](#)**

*Original Proceeding Pursuant to C.A.R. 21*  
El Paso County District Court Case No. 18CR3870  
Honorable Gregory R. Werner, Judge

---

**In Re:**

**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Benjamin Roina.

---

**Rule Made Absolute**

*en banc*

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

---

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

---

---

**PETITIONS FOR REHEARING**

---

**2019 CO 17**

---

**Supreme Court Case No. 17SC120**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 14CA71

---

**Petitioner:**

Crystal Lynn Johnson,

v.

**Respondent:**

The People of the State of Colorado.

---

Petition for Rehearing DENIED. EN BANC.

---

**RULE CHANGE**

[RULE CHANGE 2019\(08\)](#)

COLORADO RULES OF CRIMINAL PROCEDURE

Rule 32

**Amended and Adopted by the Court, En Banc, March 14, 2019, effective immediately.**

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 18SC630, Court of Appeals Case No. 15CA1811**

**Petitioner:**

Gerald Adrian Yeadon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a trial court’s failure to impose the drug offender surcharge at sentencing as required by section 18-19-103, C.R.S. (2018), renders the sentence illegal such that it can be corrected at any time under Crim. P. 35(a).

DENIED AS TO ALL OTHER ISSUES.

---

**No. 18SC646, Court of Appeals Case No. 16CA2073**

**Petitioner:**

Derick Wayne Russell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

When the defendant was terminated from his concurrent community corrections sentences from Jefferson and Douglas Counties, and resentenced to concurrent prison sentences in both counties, whether he is entitled to presentence confinement credit in Douglas County for time served in prison after his Jefferson County resentencing but before his Douglas County resentencing.

DENIED AS TO ALL OTHER ISSUES.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC119, Court of Appeals Case No. 14CA2356**

**Petitioner:**

Keith E. Rohracker,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC465, Court of Appeals Case No. 14CA2104**

**Petitioner:**

Jeanoh Baugher Barnett,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC507, Court of Appeals Case Nos. 14CA2099 & 14CA2463**

**Petitioners:**

UMB Bank, N.A.; Colorado Bondshares, a tax exempt fund; and Marin Metropolitan District, a Colorado special district,

v.

**Respondent:**

Landmark Towers Association, Inc., a Colorado nonprofit corporation, by EWG-GV, LLC, as receiver for 7677 East Berry Avenue Associates, LP, its declarant.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC626, Court of Appeals Case No. 16CA1260**

**Petitioner:**

Sean Michael Lawson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC744, Court of Appeals Case No. 15CA2103**

**Petitioner:**

Robert Harl Collins,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 18SC766, Court of Appeals Case No. 17CA357**

**Petitioner:**

Timothy Eugenelee Carter,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

---

**No. 18SC767, Court of Appeals Case No. 16CA217**

**Petitioner:**

Jason Scott Herbeck,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

---

**No. 18SC786, Court of Appeals Case No. 15CA1000**

**Petitioner:**

David Puente-Ruiz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC813, Court of Appeals Case No. 18CA1966**

**In re the Marriage of**

**Petitioner:**

Jane Lane,  
and

**Respondent:**

Sean James Lane.

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

---

**No. 18SC823, Court of Appeals Case No. 17CA785**

**Petitioner:**

Victoria Negus-Ewell, Personal Representative,  
v.

**Respondent:**

Jonna Negus-Pemberton.

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

---

**No. 18SC867, La Plata County District Court Case No. 18CV2010**

**Petitioner:**

Steven F. Roberson,  
v.

**Respondent:**

City of Durango.

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

JUSTICE SAMOUR would grant as to the following issue:

Whether the District Court erred by granting Respondent's Motion Seeking Dismissal of the Appeal from the municipal court on the basis that Petitioner's appellate brief in the District Court was insufficient to comply with Crim P. 37(e).

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 18SC920, Court of Appeals Case No. 17CA1609**

**Petitioner:**

Christopher Chism,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

---