

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, APRIL 22, 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.

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**OPINIONS**

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**[2019 CO 26](#)**

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**[Supreme Court Case No. 15SC1096](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 11CA1784

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**Petitioner:**

James Jud Bondsteel,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

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

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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[2019 CO 27](#)

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[Supreme Court Case No. 18SC18](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 14CA2245

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**Petitioner:**

Francis Gayle Buell,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

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

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**PETITIONS FOR REHEARING**

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2019 CO 25

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**Supreme Court Case No. 16SC88**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA1164

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**Petitioner:**

Jeremy Keith Sharrow,

v.

**Respondent:**

The People of the State of Colorado.

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Petition for Rehearing DENIED. EN BANC.

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 18SC494, Court of Appeals Case No. 15CA1816**

**Petitioner:**

David Michael Butcher,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in adopting the standard for plain error review articulated in *United States v. Olano*, 507 U.S. 725 (1993), and concluding that the correction of plain error pursuant to Crim. P. 52(b) is discretionary and is not required where the error does not seriously affect the fairness, integrity, or public reputation of judicial proceedings.

Whether, even if *Olano's* fourth prong of plain error review applies, an error charging between \$7,500 and \$15,000 in restitution interest beyond what is authorized by law requires reversal because the error "seriously affects the fairness, integrity or public reputation of judicial proceedings."

DENIED AS TO ALL OTHER ISSUES.

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**No. 18SC577, Court of Appeals Case No. 16CA1787**

**Petitioner:**

Brian Keith McCulley,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred by concluding that the term "conviction" as used in section 16-22-113(3)(c), C.R.S (2018), of the Colorado Sex Offender Registration Act (SORA) includes a successfully completed deferred judgment.

DENIED AS TO ALL OTHER ISSUES.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 18SC686, Court of Appeals Case No. 15CA526**

**Petitioner:**

Gary Val Richardson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the trial judge reversibly erred by permitting his wife to serve on a jury in a criminal case over which he presided.

DENIED AS TO ALL OTHER ISSUES.

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**No. 18SC772, Court of Appeals Case No. 17CA1295**

**In re the Marriage of**

**Petitioner:**

Steven R. Durie,

and

**Respondent:**

Kelly J. Durie n/k/a Kelly J. Simmerman.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether C.R.C.P. 12(b)(5) and the “plausibility” standard set forth in *Warne v. Hall*, 2015 CO 50, 373 P.3d 588, apply to a motion under C.R.C.P. 16.2(e)(10).

[REFRAMED] Whether a moving party may make allegations on “information and belief” in a C.R.C.P. 16.2(e)(10) motion.

[REFRAMED] Whether a moving party is entitled to conduct discovery to support a motion under C.R.C.P. 16.2(e)(10).

[REFRAMED] What standards and procedures govern a motion under C.R.C.P. 16.2(e)(10).

DENIED AS TO ALL OTHER ISSUES.

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**No. 18SC817, Court of Appeals Case No. 17CA1502**

**Petitioners:**

National Association for Gun Rights, Inc. a Virginia nonprofit corporation; Rocky Mountain Gun Owners, a Colorado nonprofit corporation; and John A. Sternberg;  
v.

**Respondent:**

Jared S. Polis, in his official capacity as Governor of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether this court should address and resolve the conflict between *Students for Concealed Carry on Campus, LLC v. Regents of the University of Colorado*, 280 P.3d 18 (Colo. App. 2010) and *Trinen v. City and County of Denver*, 53 P.3d 754 (Colo. App. 2002) surrounding the meaning of the “reasonableness” standard of review established in *Robertson v. City and County of Denver*, 874 P.2d 325 (Colo. 1994).

[REFRAMED] Whether the court of appeals erred in applying the *Robertson* reasonableness standard after the United States Supreme Court’s decision in *McDonald v. City of Chicago, Ill.*, 561 U.S. 742 (2010).

Whether the court of appeals’ interpretation of HB 1224 was contrary to the plain meaning and purpose of the statute.

[REFRAMED] Whether HB 1224 violates the right to bear arms as set forth in article II, section 13 of the Colorado Constitution.

DENIED AS TO ALL OTHER ISSUES.

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**No. 19SC118, Court of Appeals Case No. 17CA1678**

**Petitioner:**

The People of the State of Colorado,

**In the Interest of**

**Respondent:**

G.S.S.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] What is the proper remedy for violation of the sixty-day limit in section 19-2-509(4)(b)?

DENIED AS TO ALL OTHER ISSUES.

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 18SC452, Court of Appeals Case No. 16CA826**

**Petitioner:**

Anthony Henry,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC479, Court of Appeals Case No. 16CA775**

**Petitioner:**

Raymond Gone,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL and JUSTICE HART would grant as to the following issues:

Whether, in light of separation of powers principles, the judicially created doctrine of laches may be employed to override a legislatively prescribed statute of limitations?

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Assuming *arguendo* laches can shorten a statute of limitations, may the party asserting it rely on vague, conclusory allegations to prove prejudice sufficient to invoke it?

Assuming *arguendo* laches can shorten a statute of limitations, does a less demanding version of the doctrine apply when the prosecution asserts it in a postconviction proceeding?

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**No. 18SC513, Court of Appeals Case No. 17CA987**

**In the Interest of:**

Franca Chronopoulos, Protected Person

**Petitioner:**

TNS Associates, P.C.,

v.

**Respondents:**

Dino Chronopoulos, Conservator and Sarah L. Golombek, Guardian Ad Litem for Franca Chronopoulos.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC568, Adams County District Court Case No. 17CV32060**

**Petitioner:**

Anthony Turner,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC839, Court of Appeals Case No. 17CA2064**

**Petitioner:**

Tracey Dodson,

v.

**Respondent:**

Stella J. Hernandez.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC76, Court of Appeals Case No. 15CA1679**

**Petitioner:**

Jamar Latawn Prince,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC126, Court of Appeals Case No. 17CA739**

**Petitioner:**

Jimmy Joseph Vasquez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC128, Court of Appeals Case No. 17CA1330**

**Petitioner:**

Ryan Leo Lutz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC131, Court of Appeals Case No. 17CA1203**

**Petitioner:**

Nicholas A. McKinney,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

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**No. 19SC132, Court of Appeals Case No. 16CA1580**

**Petitioner:**

Ricardo M. Lucero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC148, Court of Appeals Case No. 18CA714**

**Petitioner:**

Larry Webster,

v.

**Respondents:**

Czarnowski Display Service Inc., Trumbull Insurance Company, and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC194, Court of Appeals Case No. 18CA199**

**Petitioner:**

M. K.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A. D.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC202, Court of Appeals Case No. 17CA1534**

**Petitioner:**

C. R.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

I. B.-R., A. B.-R., M. B.-R., and A. R.,

and Concerning

S. B.-R., C. M. H. f/k/a C. M. R., and J. S. R.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC209, Court of Appeals Case No. 18CA821**

**Petitioner:**

K. L.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

I. L.

Petition for Writ of Certiorari DENIED. EN BANC.

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