

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JULY 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.

PETITIONS FOR REHEARING

2019 CO 58

Supreme Court Case No. 17SC427
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 16CA1096

Petitioner:

Blooming Terrace No. 1, LLC,

v.

Respondents:

KH Blake Street, LLC, and Kresher Holdings, LLC.

Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2019 CO 60

Supreme Court Case No. 17SC728
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA1780

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Frederico Alvarado Hinojos.

Petition for Rehearing DENIED. EN BANC.
JUSTICE GABRIEL would grant the petition.

RULE CHANGE

[RULE CHANGE 2019\(13\)](#)

COLORADO PROBATE CODE FORMS

Forms 800 and 862

Amended and Adopted by the Court, En Banc, July 9, 2019, effective immediately.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC607, Court of Appeals Case No. 16CA854

Petitioner/Cross-Respondent:

Brandon Jackson,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

Whether the court of appeals erred in holding that the defendant's attempted murder after deliberation conviction must be vacated where the evidence was sufficient to support it as a separate and distinct offense.

Whether the court of appeals erred in holding that the doctrine of transferred intent under the first degree murder statute extends to "mistaken identity" cases where such an extension is contrary to the plain language of the statute, and in concluding that the attempted murder after deliberation conviction constituted a lesser included offense of first degree murder based on its application of the transferred intent doctrine.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC789, Court of Appeals Case No. 15CA1001

Petitioner:

Christopher David Sullivan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether section 18-1-409(1), C.R.S. (2018), precludes nonconstitutional challenges to the manner in which a legal felony sentence within the stipulated range from a plea agreement was imposed.

DENIED AS TO ALL OTHER ISSUES.

No. 18SC894, Court of Appeals Case No. 17CA1503

Petitioner:

Park Forest Care Center, Inc., a Colorado corporation,

v.

Respondents:

City of Westminster, Colorado, a Municipal corporation and Tammy Hitchens, in her official capacity as Finance Director of the City of Westminster, Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *City of Golden v. Sodexo*, 17SC735, 2019 CO 38. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

17SC172, Court of Appeals Case No. 13CA2378

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Burnest Alvis Johnson.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC575, Court of Appeals Case No. 15CA1081

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Anthony Roger Jaquez.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT would grant as to the following issues:

Whether the court of appeals erred in reversing the defendant's conviction because the trial court should have suppressed statements he made during a voice identification procedure.

Whether any suggestiveness in a one-on-one identification procedure may be countervailed by exigent circumstances.

No. 18SC590, Court of Appeals Case No. 17CA849

Petitioner/Cross-Respondent:

Alex Swank and Paul Swank,

v.

Respondent/Cross-Petitioner:

Henrylyn Irrigation District, a Colorado irrigation district.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC769, Court of Appeals Case No. 15CA210

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Robert Joseph Aldridge.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS would grant as to the following issue:

Whether the court of appeals erred in concluding, as a matter of first impression, that C.R.S. 16-10-402(2)(a)(VI), permitting a child witness to testify in the presence of the jury and outside the presence of the defendant, violated the defendant's due process right to be present and exert psychological influence on the jury.

No. 18SC858, Court of Appeals Case No. 15CA1634

Petitioner:

Charles Ferrell Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC870, Court of Appeals Case No. 16CA644

Petitioner:

Joshua Thomas Bohl,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC5, Court of Appeals Case No. 15CA1924

Petitioner:

Warren Dale Watson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC11, Court of Appeals Case No. 16CA1165

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Larry Gene Lancaster.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC27, Court of Appeals Case No. 14CA2360

Petitioner:

Henry A. Portillo,

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 issue:

Whether the constructive amendment in the computer crime instruction constituted structural error, or, alternatively, plain, reversible error?

No. 19SC38, Court of Appeals Case No. 17CA1428

Petitioner:

Harlo Enterprises, Ltd., LLLP,

v.

Respondent:

Farmers Reservoir and Irrigation Company.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC45, Court of Appeals Case No. 17CA2066

Petitioner:

Lori Madden-Grammer,

v.

Respondents:

Colorado Hospital Association Trust, Poudre Valley Hospital, and Industrial Claim Appeals Office.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC58, Court of Appeals Case No. 18CA121

Petitioner:

Loveland Eisenhower Investments LLC, a California limited liability company,

v.

Respondent:

The City of Loveland, Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 19SC62, Court of Appeals Case No. 17CA280

Petitioner:

Christopher Joseph Taylor,

v.

Respondent

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC88, Court of Appeals Case No. 16CA1134

Petitioner:

Tanya Marie Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC117, Court of Appeals Case No. 16CA190

Petitioner:

Fidel Eugene Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC

No. 19SC122, City and County of Denver District Court Case No. 17CV34265

Petitioner:

Sydnea Jamieson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC163, Court of Appeals Case No. 16CA980

Petitioner:

Patrick James Orozco, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC203, Court of Appeals Case No. 17CA216

Petitioner:

Heriberto Haro Luna,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC218, Court of Appeals Case No. 18CA450

Petitioner:

Walter Boigegrain,

v.

Respondent:

Comfort Dental d/b/a Wheat Ridge Dental Partners, PLLP.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC273, Court of Appeals Case No. 16CA1266

Petitioner:

Bradley Raymond Clemens,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC280, Court of Appeals Case No. 18CA230

Petitioner:

Marci Hanshue,

v.

Respondents:

US Bank National Association, as Trustee under Pooling and Servicing Agreement Dated as of September 1, 2006 MASTR Asset-Backed Securities Trust 2006-NC2 Mortgage Pass-Through Certificates, Series 2006-NC2 and Ocwen Loan Servicing, LLC, a Delaware Foreign LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL does not participate.

No. 19SC316, Fremont County District Court Case No. 18CV120

Petitioner:

Steven Allen Knisley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC318, Court of Appeals Case No. 17CA1061

Petitioner:

David Thomas Orton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC330, Court of Appeals Case No. 17CA163

Petitioner:

Derek S. Webb,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC333, Court of Appeals Case No. 16CA1049

Petitioner:

Bronson Terrance McDowell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 19SC334, Court of Appeals Case No. 17CA1139

Petitioner:

David Joseph Hocker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC335, Court of Appeals Case No. 16CA1133

Petitioner:

Temme Kieyette King,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC336, Court of Appeals Case No. 18CA674

Petitioner:

Juan Frausto-Fonseca,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC340, Court of Appeals Case No. 16CA2202

Petitioner:

Thomas Edward Gonzales,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC341, District Court, City and County of Denver Case No. 18CV30052

Petitioner:

Kathleen Hughes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC402, Court of Appeals Case No. 18CA1389

Petitioner:

A. A.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K. R.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC431, Court of Appeals Case No. 18CA1083

Petitioner:

W. M. S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

W. S.,

and

Intervenors:

K. F. and M. F.,

and Concerning

C. A. S.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 19SC459, Court of Appeals Case No. 18CA1785

Petitioners:

D. L. and D. T.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

M. B. L., M. E. L., C. B. L., and J. B. L.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.
