

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, JANUARY 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.

OPINIONS

2019 CO 6

[Supreme Court Case No. 17SA220](#)

Appeal from the District Court

Garfield County District Court, Water Division 5, Case No. 14CW3021

Honorable James B. Boyd, Water Judge

Plaintiff-Appellant:

Sam A. Allen,

v.

Defendants-Appellees:

State of Colorado; Colorado Court of Appeals; Margaret V. Morton; Larry L. Stevens;
and Mesa County Land Conservancy, Inc.,

and

Appellee Pursuant to C.A.R. 1(e):

Alan Martellaro, Division Engineer, Water Division 5.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2019 CO 7

[Supreme Court Case No. 16SC990](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA148

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Patrick K. Wood.

Judgment Reversed and Order Vacated
en banc

JUSTICE SAMOUR delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGE

RULE CHANGE 2019(01)

COLORADO RULES OF CIVIL PROCEDURE

Rules 6, 57, and 59

JDF 602SC

Amended and Adopted by the Court, En Banc, January 10, 2019, effective immediately.

ORIGINAL PROCEEDING

No. 18SA245, In Re: People v. Tarnowski, Adam

Douglas County District Court Case No. 17CR506

Order making the rule absolute issued on January 17, 2019

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC827, Court of Appeals Case No. 15CA153

Petitioner:

Brian Straub,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ and JUSTICE HART would grant as to the following issue:

[REFRAMED] Whether the court of appeals erred in affirming the district court's summary denial of the petitioner's Crim. P. 35(c) motion without an evidentiary hearing.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC374, Court of Appeals Case No. 14CA2134

Petitioner:

Reginald Lamond Lawson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC391, Court of Appeals Case No. 15CA1236

Petitioner:

Kent Charles Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC455, Court of Appeals Case No. 15CA431

Petitioner:

Robert Webster Hughes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC545, Court of Appeals Case No. 17CA263

In re the Parental Responsibilities Concerning M.M., a Child,

Petitioner:

William Muhr,

v.

Respondent:

Kristine Lee.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC617, Court of Appeals Case No. 16CA1800

Petitioner:

RaJohn Ledbetter-Fuller,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC619, Court of Appeals Case No. 17CA744

Petitioner:

Holland & Knight, LLP,

v.

Respondent:

Prospect Development Company, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC664, Alamosa County District Court Case No. 18CV30012

Petitioner:

John Deherrera,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC681, Court of Appeals Case No. 17CA1658

Petitioner:

Bryant Dwayne Hall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC688, Court of Appeals Case No. 15CA349

Petitioner:

Ricky Lee Lewis,

v.

Respondent:

The People of the State of Colorado.

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

No. 18SC713, Court of Appeals Case No. 15CA2114

Petitioner:

Jason Allan Conklin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC728, Court of Appeals Case No. 16CA648

Petitioner:

Scott Michael Lynn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC753, Court of Appeals Case No. 16CA592

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

A. R. R.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ and JUSTICE HOOD would grant as to the following issue:

Whether *People v. Garcia*, 940 P.2d 357 (Colo. 1997), was abrogated by *Reyna-Abarca v. People*, 2017 CO 15, 390 P.3d 816, and *People v. Rock*, 2017 CO 84, 402 P.3d 472, and, thus, whether A.R.R.'s adjudication for first-degree trespass violates double jeopardy because first-degree trespass is a lesser-included offense of second-degree burglary, as those offenses were charged here.

No. 18SC792, Court of Appeals Case No. 15CA700

Petitioner:

Randy Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC816, Arapahoe County District Court Case No. 15CV33036

Petitioner:

Sule Castro Montoya a/k/a Liliana Molina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC820, Court of Appeals Case No. 16CA1111

Petitioner:

Randall Lee Plush,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC869, Court of Appeals Case No. 17CA2128

Petitioner:

J. M. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. S. M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC872, Court of Appeals Case No. 18CA416

Petitioner:

L. S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

J. S.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC895, Court of Appeals Case No. 17CA1920

Petitioner:

L. C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

B. C. M. and M. K. M.,

and Concerning

S. M.

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

No. 18SC896, Court of Appeals Case No. 18CA162

Petitioner:

J. S.-C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M. S.-C.

Petition for Writ of Certiorari DENIED. EN BANC.
