

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 18, 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 19](#)**

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**[Supreme Court Case No. 16SC75](#)**  
*Certiorari to the Colorado Court of Appeals*  
**Court of Appeals Case No. 12CA2540**

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**Petitioner:**

James Joseph Garner,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**

*en banc*

**JUSTICE MÁRQUEZ** delivered the Opinion of the Court.  
**JUSTICE HART** dissents, and **JUSTICE HOOD** and **JUSTICE GABRIEL** join in the dissent.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**ORIGINAL PROCEEDING**

**19SA32, In Re the Marriage of Stroden**

**Arapahoe County District Court, 18DR30444**

[Order issued on March 13, 2019 granting the petition and making the RULE ABSOLUTE.](#)

**HELD PETITIONS FOR WRIT OF CERTIORARI**

18SC692, People v. Wells.

**Held pending 16SC546, People v. Mazzaelli.**

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 18SC317, Court of Appeals Case No. 15CA1262**

**Petitioner:**

Andrez Nunez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ and JUSTICE BOATRIGHT would grant as to the following issues:

Whether the court of appeals erroneously concluded that the trial court erroneously excluded evidence that the alleged victim had previously threatened Petitioner, but that the error did not require reversal.

Whether the defense's attempt to admit evidence preserves constitutional errors in the trial court's exclusion of that evidence.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 18SC464, Court of Appeals Case No. 16CA1585**

**Petitioner:**

George Lee Gonzales,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC485, Court of Appeals Case No. 14CA1390**

**Petitioner:**

Daniel Steven Kessler,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

JUSTICE HOOD would grant as to the following issues:

Whether the majority of the court of appeals misapplied this court's post-*Gant* cases in concluding that after a DUI arrest, law enforcement may continue searching a vehicle for evidence of DUI even after finding alcohol, and in doing so, creating a *de facto* categorical rule authorizing a search subsequent to every DUI arrest, contrary to this court's rejection of the categorical approach to *Gant* searches.

Whether (i) defense counsel can waive an argument that evidence was improperly admitted by making statements during a jury instruction conference the day *after* the evidence was presented to the jury; and (ii) whether defense counsel can waive an appellate challenge to a jury instruction by objecting to the instruction, but later accepting some curative language while maintaining the objection to the instruction.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC625, Court of Appeals Case No. 16CA270**

**Petitioner:**

Juan Manuel Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC661, Court of Appeals Case No. 16CA1963**

**Petitioner:**

Floyd Joseph Senette,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC694, Court of Appeals Case No. 17CA663**

**Petitioners:**

Wal-Mart Stores, Inc., d/b/a Wal-Mart, d/b/a Wal-Mart Supercenter, d/b/a Wal-Mart Supercenter #, d/b/a Wal-Mart Market, d/b/a Wal-Mart Neighborhood Market; Wal-Mart Stores East, LP, d/b/a Wal-Mart Stores East I, LP; Wal-Mart Associates Inc.; Wal-Mart Store #984; and Castle Rock Wal-Mart Supercenter,

v.

**Respondent:**

Robert P. Forfar, III.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 18SC727, Court of Appeals Case No. 17CA1123**

**Petitioner:**

Mark Iannicelli,

v.

**Respondent:**

Denver County Court, the Honorable Theresa A. Spahn, a judge thereof.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC1, Fremont County District Court Case No. 18CV5**

**Petitioner:**

Stephen Donald Stiefel,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC16, Court of Appeals Case No. 16CA1419**

**Petitioner:**

Ricky Rivera,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC17, Court of Appeals Case No. 16CA747**

**Petitioner:**

Alex Espinoza,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC21, Court of Appeals Case No. 15CA1499**

**Petitioner:**

Chrissy O'Hotto,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC22, Court of Appeals Case No. 16CA1135**

**Petitioner:**

Jason Lee Morrow,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC23, Court of Appeals Case No. 16CA466**

**Petitioner:**

Geoffrey Lee Moranty,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC42, Court of Appeals Case No. 14CA1709**

**Petitioner:**

Joseph Keith Renander,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT does not participate.

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**No. 19SC43, Court of Appeals Case No. 16CA1440**

**Petitioner:**

Timothy Alexander Shelton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC66, Court of Appeals Case No. 18CA1**

**Petitioner:**

K. S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

I. S.,

and Concerning

A. S.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC94, Court of Appeals Case No. 18CA591**

**Petitioner:**

N. S.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

S. W.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC99, Court of Appeals Case No. 18CA934**

**Petitioner:**

J. L. B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K. R. B.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC102, Court of Appeals Case No. 17CA1804**

**Petitioner:**

T. G.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

T. J. G., J. G., and G. O. G.,

and Concerning

B. Q.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 19SC103, Court of Appeals Case No. 17CA1805**

**Petitioner:**

T. G.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K. T. G.,

and Concerning

B. Q.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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