

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 2, 2020**

"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

[2020 CO 16](#)

[Supreme Court Case No. 19SA226](#)

Interlocutory Appeal from the District Court
El Paso County District Court Case No. 19CR684
Honorable Gregory R. Werner, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Tony Lee Ashford.

Order Reversed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2020 CO 17](#)

[Supreme Court Case No. 19SA99](#)

Certification of Question of Law

United States Court of Appeals for the Tenth Circuit Case No. 18-1269

Plaintiff-Appellant:

Franklin Gale,

v.

Defendant-Appellee:

The City and County of Denver.

Certified Question Answered

en banc

JUSTICE GABRIEL delivered the opinion of the court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2020 CO 18

Supreme Court Case No. 19SA230

Original Proceeding Pursuant to C.A.R. 21
La Plata County District Court Case No. 19CR355
Honorable William L. Herrer, Judge

In Re

Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Donald Vernon Vanness.

Rule Made Absolute

en banc

JUSTICE SAMOUR delivered the opinion of the court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

2019 CO 8

Supreme Court Case No. 17SC815
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA1296

Petitioner:

Alfredo Juarez,

v.

Respondent:

The People of the State of Colorado.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDINGS

[20SA48, In Re: People v Collunga-Gamez, Javier](#)

District Court, City and County of Denver, 19CR8316

Order to Show Cause Issued on February 27, 2020

[20SA52, In Re Gurung, Sir Maya v Kouao, Andoh](#)

Boulder County District Court, 18CV31083

Order to Show Cause Issued February 27, 2020

[20SA56, In Re: People v Arturo, Molina](#)

Pueblo County District Court, 19CR2064

Order to Show Cause Issued on February 27, 2020

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC249, Court of Appeals Case No. 15CA576

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Kerry Lee Cooper.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in concluding that blind expert testimony on domestic violence was inadmissible because the charged act was the first act of domestic violence in the relationship.

[REFRAMED] Whether the court of appeals erred in concluding that blind expert testimony on domestic violence must be limited to those facets of a subject that are specifically tied to the particular facts of the case.

Whether the court of appeals erred in finding that the admission of the expert testimony was not harmless.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC485, Court of Appeals Case No. 15CA1922

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Dylan Thomas Coons.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in finding the entirety of a blind expert's testimony under CRE 702 must be limited to occurrences that are specifically tied to the particular facts of the case.

Whether the court of appeals erred in finding the admission of the expert testimony was not harmless.

No. 19SC757, Court of Appeals Case No. 18CA269

Petitioner:

LB Rose Ranch, LLC,

v.

Respondent:

Hansen Construction, Inc.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether Ironbridge Property plaintiffs' release of LB Rose discharged LB Rose from any contribution liability to Hansen under the plain language of section 13-50.5-105(1)(b), C.R.S. (2019).

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC243, Court of Appeals Case No. 14CA1958

Petitioner/Cross-Respondent:

Joe Anthony Ramirez,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

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

Whether the court of appeals erred in holding that counsel's affirmance that the self-defense instruction was "a correct statement of the law" did not constitute a waiver under *People v. Rediger*, 2018 CO 32.

Whether the court of appeals erred in holding that the trial court committed plain error by instructing the jury that it was an affirmative defense to first degree assault that Ramirez used "deadly physical force" upon the victim, given that the victim had not died.

No. 19SC319, Court of Appeals Case No. 17CA2036

Petitioner:

Paula Gagne,

v.

Respondent:

Richard Gagne.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC432, Court of Appeals Case No. 15CA1761

Petitioner:

Patrick Ryan Irwin,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC555, Court of Appeals Case No. 18CA1806

Petitioner:

Joe R. Dickens,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado, Wagner Equipment, and Ace American Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC718, Court of Appeals Case No. 17CA1170

Respondent/Cross-Petitioner:

The People of the State of Colorado,

In the Interest of

Petitioner/Cross-Respondent:

N.R.

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

No. 19SC755, Court of Appeals Case No. 17CA372

Petitioner:

Mark A. Melcher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC765, Court of Appeals Case No. 18CA1021

Petitioner:

Frances H. Sgarlatti,

v.

Respondent:

Vera R. Boyd.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC814, Court of Appeals Case No. 17CA2348

Petitioner:

Shanell Kai Flynn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC818, District Court, City and County of Denver Case No. 19CV31343

Petitioner:

Eehab Suliman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 19SC823, Boulder County District Court Case No. 19CV309

Petitioner:

Kristen Kraft,

v.

Respondent:

Four Star Realty and Property Management Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC825, Court of Appeals Case No. 16CA1345

Petitioner:

Charles Harvey Beckner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC827, Court of Appeals Case No. 17CA398

Petitioner:

Ramon J. Hetzel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC839, Court of Appeals Case No. 16CA1339

Petitioner:

Emmanuel Antoine Fisher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC845, Adams County District Court Case No. 19CV30359

Petitioner:

Marcos Rivera Villanueva,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC853, Court of Appeals Case No. 17CA621

Petitioner:

Ernest Joseph Tibbels,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC77, Court of Appeals Case No. 19CA950

Petitioner:

J. C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. C. M.

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

No. 20SC94, Court of Appeals Case No. 18CA1417

Petitioner:

S. G. K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

F. J. O. and P. R. O.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC99, Court of Appeals Case No. 18CA1538

Petitioner:

B. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L. F. M.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC101, Court of Appeals Case No. 19CA198

Petitioner:

R. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

S. B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC102, Court of Appeals Case No. 19CA624

Petitioner:

M. F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. S.

Petition for Writ of Certiorari DENIED. EN BANC.
