

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 1, 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 44](#)

[Supreme Court Case No. 17SC116](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA1800

Petitioner:

The People of the State of Colorado,

In the Interest of

Respondent:

R.D.

Judgment Reversed
en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2020 CO 45](#)

[Supreme Court Case No. 18SC445](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA1752

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Andre Demetrius Willi Jones.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.
JUSTICE BOATRIGHT dissents, and **CHIEF JUSTICE COATS** and **JUSTICE SAMOUR** join in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2020 CO 46](#)

[Supreme Court Case No. 18SC686](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA526

Petitioner:

Gary Val Richardson,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

JUSTICE HOOD delivered the Opinion of the Court.
JUSTICE GABRIEL dissents.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2020 CO 47

Supreme Court Case No. 20SA87

Original Proceeding Pursuant to C.A.R. 21

Douglas County District Court Case No. 06DR382

Honorable Andrew Baum, Judge

In Re the Marriage of

Petitioner:

Heidi A. Wollert,

and

Respondent:

Francis F. Joseph.

Rule Made Absolute

en banc

JUSTICE SAMOUR delivered the Opinion of the Court.

JUSTICE BOATRIGHT dissents, and **JUSTICE HART** joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

[2020 CO 35M](#)

[Supreme Court Case No. 18SC656](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA478

Petitioner:

John M. Halaseh,

v.

Respondent:

The People of the State of Colorado.

Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC865, Court of Appeals Case No. 18CA977

Petitioners/Cross-Respondents:

Buffalo Run Fairways, LLC, a Colorado limited liability company; Fairway Builders, Inc., a Colorado corporation; Fairway Homes, LLC, a Colorado limited liability company; and FD Interests, LLC, a Colorado limited liability company;

v.

Respondents/Cross-Petitioners:

Fairways at Buffalo Run Homeowners Association, Inc., a Colorado nonprofit corporation; William D. Monhillin Trust; Nancy L. Monhollin Trust; Janice Van Gundy; and Jennifer Van Gundy.

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

[REFRAMED] Whether the Colorado Court of Appeals erred by concluding that a common interest community's declaration encumbered the entire undeveloped property at the time of filing even though the record owner of the undeveloped property was not the party who signed or recorded the declaration.

Whether the Court of Appeals properly determined, under the facts of this case, that a non-owner's signature on the Declaration was legally sufficient to encumber the Property, where all of the Developer Entities controlled by the same individual were acting in concert and intended to subject the entire Property to the Declaration.

Whether the Court of Appeals erred in concluding that the District Court's equitable reformation of the Declaration was unnecessary and erroneous, where the District Court, in equity, reformed the Declaration by replacing the signature by the non-owner developer entity with the signature of the titled owner of the Property to correct defects in the chain of title and legally conform the Declaration to the intent, expectations, and conduct of the parties.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC187, Court of Appeals Case. No. 19CA1406

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Child:

Petitioner:

A.M.

and Concerning

T.M.

Petitions for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a trial court is required to make a specific finding considering and eliminating less drastic alternatives before ordering termination of the parent-child legal relationship, and if so, whether the trial court must do so using the best interests of the child standard or the adequacy standard.

Whether the Court of Appeals acted discordantly with applicable decisions of the Court when it failed to properly apply the clearly erroneous standard of review, substituting the trial court's factual findings with its own judgment, and reversed the trial court's termination decree.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC712, Court of Appeals Case No. 15CA2013

Petitioner:

Allen D. Dietz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC859, Court of Appeals Case No. 16CA271

Petitioner:

Quinten Poncho Abeyta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ would grant as to the following issue:

Whether this court should overrule the requirement from *People v. Beauvais*, 2017 CO 34, 393 P.3d 509, that jurors are similarly situated for comparative-juror analysis under *Batson v. Kentucky*, 476 U.S. 79 (1986), only where they share all the characteristics articulated for the challenge.

No. 19SC904, Court of Appeals Case No. 16CA1999

Petitioner:

Michael Conrad Bobian,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC1006, District Court, Boulder County, Case No. 19CV30637

Petitioner:

City of Boulder, a Colorado Home Rule City,

v.

Respondents:

Public Service Company of Colorado, a Colorado Corporation, d/b/a Xcel Energy; Morgan Guaranty Trust Company of New York; and Paul Weissmann, in his official capacity as Treasurer of Boulder County.

Petition for Writ of Certiorari pursuant to C.A.R. 50 DENIED. EN BANC.

No. 20SC40, Court of Appeals Case No. 16CA1399

Petitioner:

Stefan Stoian,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC74, Court of Appeals Case No. 17CA1747

Petitioner:

Sonia Holguin

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC112, Court of Appeals Case No. 17CA6

Petitioner:

Jacob Lahr,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC124, Jefferson County District Court Case No. 18CV288

Petitioner:

Glenn Hernet,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC131, Court of Appeals Case No. 16CA1397

Petitioner:

Hidet G. Molla,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 20SC132, Court of Appeals Case No. 12CA889

Petitioner:

Richard Wesley Anderson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC146, Court of Appeals Case No. 18CA1708

Petitioner:

Keith Clayton Brooks, Jr,

v.

Respondents:

Executive Director, Colorado Department of Corrections and Warden, Buena Vista Correctional Complex.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC148, Court of Appeals Case No. 18CA66

Petitioner:

Roy Everett Schmadeka,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC163, Court of Appeals Case No. 18CA1485

In re the Petition of J.R.M., for the Adoption of K.R.M., a Child,

Petitioner:

J.M.H.

v.

Respondent:

J.R.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC175, Court of Appeals Case No. 18CA2200

In re the Marriage of:

Petitioner:

Matthew Paul Bergles,

and

Respondent:

Katherine Susanne Bergles.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC192, Court of Appeals Case No. 17CA1269

Petitioner:

Amin Furqan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC195, Court of Appeals Case No. 18CA2378

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

M. M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC197, Court of Appeals Case No. 18CA333

Petitioner:

Mario Juan Llanos-Cintron,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC198, Court of Appeals Case No. 17CA1907

Petitioner:

Trenton Walter Lucas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC341, Court of Appeals Case No. 19CA1470

Petitioner:

E. K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K. H.,

and Concerning

C. H.

Petition for Writ of Certiorari DENIED. EN BANC.