

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 9, 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.

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**OPINIONS**

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**[2020 CO 19](#)**

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**[Supreme Court Case No. 19SA93](#)**

*Original Proceeding in Discipline*

Appeal from the Office of the Presiding Disciplinary Judge 18PDJ43  
Honorable William R. Lucero, Presiding Disciplinary Judge

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**In the Matter of W. Bradley Betterton-Fike**

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**Judgment Reversed in Part and Affirmed in Part**

*en banc*

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**JUSTICE HOOD** delivered the Opinion of the Court.

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COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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[2020 CO 20](#)

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[Supreme Court Case No. 18SC406](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 15CA2082

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**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Osmundo Rivera Cali.

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**Judgment Reversed**  
*en banc*

**JUSTICE GABRIEL** delivered the opinion of the court.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**RULE CHANGES**

[RULE CHANGE 2020\(01\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rules 8, 16.2, 65.1, 103, 108, 121, § 1-23, 121, § 1-24, 403, 408, and 509

**Amended and Adopted by the Court, En Banc, March 5, 2020, effective immediately.**

[RULE CHANGE 2020\(02\)](#)

RULES OF PROCEDURE FOR JUDICIAL BYPASS OF PARENTAL NOTIFICATION REQUIREMENTS

Rules 1, 2, and 3 and JDF 11

**Amended and Adopted by the Court, En Banc, March 5, 2020, effective immediately.**

[RULE CHANGE 2020\(03\)](#)

COLORADO PROBATE CODE FORMS

JDF 999

**Amended and Adopted by the Court, En Banc, March 5, 2020, effective immediately.**

**HELD PETITIONS FOR WRIT OF CERTIORARI**

19SC468, Favorite v. People

**Held pending *Linnebur v. People*, No. 18SC884**

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 19SC473, Court of Appeals Case No. 17CA2375**

**Petitioners:**

Civil Service Commission of the City and County of Denver and  
City and County of Denver, a municipal corporation,  
v.

**Respondents:**

Randy Murr and Devin Sparks.

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

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**No. 19SC507, Court of Appeals Case No. 17CA1758**

**Petitioner:**

George Lo,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC527, Court of Appeals Case No. 17CA1413**

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Diego Alejandro Luna.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as to the following issue:

Whether resentencing on all remaining counts is warranted after an appellate court vacates one or more counts on appeal unless the record otherwise reflects that resentencing is unnecessary.

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***COLORADO SUPREME COURT CASE ANNOUNCEMENTS***

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**No. 19SC602, Court of Appeals Case No. 18CA364**

**Petitioner:**

Battle Mountain Corporation,

v.

**Respondent:**

Wells Fargo Bank N.A.; Battle One Developer L.L.L.P.; Battle One A Developer, L.L.C.; Battle Minturn Inn, L.L.C.; Battle North L.L.C.; Battle South, L.L.C.; Ginn Battle Lender, L.L.C.; Lubert-Adler Capital Real Estate Fund IV, L.P.; Lubert-Adler Real Estate Fund IV, L.P.; Lubert-Adler Real Estate Fund V, L.P.; Lubert-Adler Real Estate Fund VI, L.P.; Lubert-Adler Real Estate Parallel Fund V, L.P.; Lubert-Adler Real Estate Parallel Fund, VI, L.P.; Tigiwon Properties L.L.C.; Colorado State Board of Land Commissioners; and Colorado Department of Transportation.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC677, Court of Appeals Case No. 18CA1047**

**Petitioner:**

BNSF Railway Company,

v.

**Respondent:**

Richard Blakesley.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC695, Court of Appeals Case No. 18CA290**

**Petitioner:**

Curtis Edward Whisler,

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. 19SC780, Court of Appeals Case No. 16CA6**

**Petitioner:**

Steven Mark Dalton,

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 court of appeals may prohibit the trial court from imposing a new sentence on remand when the court of appeals orders a conviction vacated.

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**No. 19SC795, Court of Appeals Case No. 18CA738**

**Petitioner:**

Aaron Enrique Arreola-Mora,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC892, Court of Appeals Case No. 17CA1511**

**Petitioner:**

Rochelle Lynn McClay,

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. 19SC893, District Court, City and County of Denver Case No. 18CV589**

**Petitioner:**

Brady Turk,

v.

**Respondent:**

Anthony Shinault.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC957, Court of Appeals Case No. 17CA1086**

**Petitioner:**

Duane Eric Nicholas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC958, Court of Appeals Case No. 17CA395**

**Petitioner:**

Javier Reyes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC960, Court of Appeals Case No. 17CA2377**

**Petitioner:**

Ennio Z. Daniel,

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. 19SC971, Court of Appeals Case No. 18CA639**

**Petitioner:**

Benjamin Weeks,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC973, Court of Appeals Case No. 17CA1393**

**Petitioner:**

Danyale Lee Richardson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC977, Court of Appeals Case No. 16CA2092**

**Petitioner:**

Michael Augustine Sanchez, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC989, Court of Appeals Case No. 16CA1742**

**Petitioner:**

Marcus Allen Smith,

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. 19SC990, Court of Appeals Case No. 17CA242**

**Petitioner:**

Marcus Allen Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 20SC108, Court of Appeals Case No. 19CA369**

**Petitioner:**

R. M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

E. R. and J. R.,

**and Concerning**

S. R.

Petition for Writ of Certiorari DENIED. EN BANC.

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