

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 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 40](#)

[Supreme Court Case No. 18SC577](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 16CA1787

Petitioner:

Brian Keith McCulley,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed

en banc

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

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

2020 CO 41

Supreme Court Case No. 19SC298

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA565

Petitioners:

Destination Maternity and Liberty Mutual Insurance Company,

v.

Respondent:

Susan Burren.

Judgment Reversed

en banc

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

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

[2020 CO 42](#)

[Supreme Court Case No. 20SA31](#)

Original Proceeding Pursuant to C.A.R. 21
Pueblo County District Court Case No. 19CR1073
Honorable Thomas Flesher, Judge

**In Re
Plaintiff:**

The People of the State of Colorado,

v.

Defendant:

Donald Eugene Huckabay.

Rule Made Absolute
en banc

JUSTICE HART delivered the Opinion of the Court.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

RULE CHANGE

[RULE CHANGE 2020\(18\)](#)

COLORADO RULES OF CRIMINAL PROCEDURE

Rule 16

Amended and Adopted by the Court, En Banc, May 14, 2020, effective immediately.

[RULE CHANGE 2020\(19\)](#)

COLORADO RULES OF PROFESSIONAL CONDUCT

Rules 1.6 and 1.15A

Amended and Adopted by the Court, En Banc, May 14, 2020, effective January 1, 2021.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC933, Court of Appeals Case No. 18CA32

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Alma Vidauri.

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

Whether the court of appeals erred in concluding that to establish the value of theft where a defendant concealed information in order to be deemed eligible for medical assistance benefits, the prosecution must prove how much assistance the defendant would have received if she had been honest.

DENIED AS TO ALL OTHER ISSUES.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 19SC975, Court of Appeals Case No. 16CA1545

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Karl Christopher Baker.

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

Whether the Deputy Securities Commissioner's expert testimony that the defendant's misstatements and omissions were material was reversible error.

DENIED AS TO ALL OTHER ISSUES.

No. 19SC1004, Court of Appeals Case No. 18CA2252

Petitioner:

Dean LaFleur,

v.

Respondent:

Timothy Pyfer.

Petition for Writ of Certiorari Pursuant to C.A.R. 50 GRANTED. EN BANC.

[REFRAMED] Whether a common law same-sex marriage entered in Colorado may be recognized as predating Colorado's recognition of formal same-sex marriages.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020

No. 19SC1009, Court of Appeals Case No. 18CA1987

Petitioners:

Bill Elder, in his official capacity as Sheriff of El Paso County, Colorado and El Paso County Sheriff's Office,

v.

Respondent:

Timothy Williams.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether section 24-34-405(8)(g), C.R.S. (2019), exempts public sector employers that are a political subdivision, commission, department, institution, or school district of the state from compensatory damages for an intentional unfair or discriminatory employment practice under the Colorado Governmental Immunity Act, §§ 24-10-101 to -120, C.R.S. (2019).

[REFRAMED] Whether the Colorado Governmental Immunity Act bars an employee's claim seeking compensatory relief against a governmental entity under section 24-34-405, C.R.S. (2019) of the Colorado Anti-Discrimination Act.

Whether front pay damages for claims that sound in tort are compensatory in nature and therefore excluded from age discrimination claims pursuant to section 24-34-405(3)(g), C.R.S. (2019), and retaliation claims pursuant to section 24-34-405(8)(g), C.R.S. (2019).

DENIED AS TO ALL OTHER ISSUES.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

HELD PETITIONS FOR WRIT OF CERTIORARI

2019SC698, Turner v. People

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

19SC889, Johnson v. People

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

19SC890, Johnson v. People

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

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC598, Court of Appeals Case No. 16CA1680

Petitioner:

Crystal Lee Money Penny,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC790, Court of Appeals Case No. 18CA647

Petitioner:

Stone Creek Real Estate Partners LLC,

v.

Respondents:

Burger Investments Family Limited Partnership; A&S Burger Investments, LLC; 1241 LLC; 1221 LLC; and 1201 LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020

No. 19SC797, Court of Appeals Case No. 16CA876

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Jarrold Devon Moquist.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC817, Court of Appeals Case No. 16CA946

Petitioner:

Nicholis Eli Saltzman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC998, Court of Appeals Case No. 16CA1989

Petitioner:

Leandra Bumpas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 19SC1000, Court of Appeals Case No. 18CA1116

Petitioner:

Development Recovery Company, LLC,

v.

Respondent:

Public Service Company of Colorado, d/b/a Xcel Energy Co.

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

No. 20SC65, Court of Appeals Case No. 17CA1180

Petitioner:

Sean Schaadt,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC72, Court of Appeals Case No. 17CA455

Petitioner:

Williams Energy Resources, LLC, a Delaware corporation,

v.

Respondents:

Yuma County Oil Company, a Colorado corporation and Jer Partnership, a Colorado partnership.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC86, Court of Appeals Case No. 17CA613

Petitioner:

Kiki Lamount Douglas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 20SC87, Adams County District Court Case No. 18CV31192

Petitioner:

Debra Martinez,

v.

Respondent:

Melissa Najera.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC90, Court of Appeals Case No. 18CA365

Petitioner:

Kashvaughn Kalil Allen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC100, Court of Appeals Case No. 18CA2158

Petitioner:

J. F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Z. M., G. F., and L. M.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 20SC110, Court of Appeals Case No. 17CA1236

Petitioner:

Jerry Paul Madrid,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC117, Court of Appeals Case No. 19CA278

Petitioner:

Clifford Dennis Nicholas,

v.

Respondents:

Dean Williams, Executive Director, Colorado Department of Corrections and Warden and Crowley County Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC121, Court of Appeals Case No. 17CA1755

Petitioner:

Gilberto Rios,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether the court of appeals reversibly erred when it chose to depart with over 100 years of consistency by making a distinction previously not recognized by this court or any other Colorado courts to affirm Rios's conviction; to wit, the court of appeals concluded that, when codefendants are charged with different crimes stemming from the same events, the general rule that a codefendant's guilty plea cannot be used as substantive evidence of a defendant's guilt does not apply.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 20SC123, Court of Appeals Case No. 18CA1320

Petitioner:

Kenneth Montgomery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 20SC125, Arapahoe County District Court Case No. 18CV31146

Petitioner:

Christopher Sandoval,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC127, Court of Appeals Case No. 18CA834

Petitioner:

Justin Rueb,

v.

Respondent:

Patrick McCarville.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC160, Montezuma County District Court Case No. 19CV30045

Petitioner:

Philip Opferkuch,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 20SC161, Court of Appeals Case No. 16CA1726

Petitioner:

Magdaleno Franco,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC162, Court of Appeals Case No. 15CA1351

Petitioner:

Wilbur Leonard Pugh, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC164, Court of Appeals Case No. 17CA1698

Petitioner:

James Pellouchoud,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC165, Fremont County District Court Case No. 19CV137

Petitioner:

Paul Parcell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020

No. 20SC166, Court of Appeals Case No. 18CA1534

In re the Marriage of

Petitioner:

Steven Foster,
and

Respondent:

Sherrie Anthony Nunn.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC167, Court of Appeals Case No. 19CA1761

Petitioner:

Gary Paul Goodwin, Jr.,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC170, Court of Appeals Case No. 19CA1862

Petitioner:

Saad S. Hanna,
v.

Respondents:

Industrial Claim Appeals Office and Littleton School District #6.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC176, Court of Appeals Case No. 17CA1542

Petitioner:

Joshua Isaiah Santiago,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 20SC181, Court of Appeals Case No. 17CA1363

Petitioner:

Darold Norman Hinojos,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC182, Court of Appeals Case No. 18CA1239

Petitioner:

George Gene Gutierrez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC241, Court of Appeals Case No. 19CA7

Petitioner:

Mark Harrington,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
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No. 20SC278, Court of Appeals Case No. 19CA989

Petitioners:

A.L.- R.F. and T. F.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. L.-R. and N.L.- R.F.2

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 20SC284, Court of Appeals Case No. 19CA1564

Petitioner:

Z. J.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. J. and E. J.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC294, Court of Appeals Case No. 19CA1586

Petitioner:

K. C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

C. C.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MAY 18, 2020**

No. 20SC297, Court of Appeals Case No. 19CA1568

Petitioner:

J. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

J. B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC307, Court of Appeals Case No. 19CA1666

Petitioners:

R. G. and M. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. F. G. and A. U. G.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 20SC308, Court of Appeals Case No. 19CA1260

Petitioner:

D. K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

N. K.

Petition for Writ of Certiorari DENIED. EN BANC.

**CASE ANNOUNCEMENTS
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No. 20SC313, Court of Appeals Case No. 19CA1423

Petitioners:

A. V. and J. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

N. M., Z. M., and T. M.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 20SC317, Court of Appeals Case No. 19CA1722

Petitioner:

A. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L. R.

Petition for Writ of Certiorari DENIED. EN BANC.
