

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, FEBRUARY 10, 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

[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.

Judgment Affirmed

en banc

CHIEF JUSTICE COATS delivered the Opinion of the Court.

JUSTICE GABRIEL concurs in the judgment, and **JUSTICE MÁRQUEZ** joins in the concurrence in the judgment.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2020 CO 9](#)

[Supreme Court Case No. 19SA118](#)

Original Proceeding Pursuant to C.A.R. 21
District Court, City and County of Denver, Case No. 19CV30251
Honorable Michael A. Martinez, Judge

**In Re
Plaintiff:**

Paul Chessin,

v.

Defendant:

Office of Attorney Regulation Counsel.

Rule Made Absolute

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.
CHIEF JUSTICE COATS does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2020 CO 10](#)

[Supreme Court Case No. 18SC919](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA2038

Petitioner:

A.R.,

and

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Child:

A.R.,

v.

Respondent:

D.R.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2020 CO 11](#)

[Supreme Court Case No. 19SC370](#)

C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA452
Adams County District Court, Case No. 16JV122
Honorable Priscilla J. Loew, Judge

Petitioner/Cross-Respondent:

M.A.W.,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado

In the Interest of Minor Child:

A.L.W.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDING

19SA234, In Re People in the interest of E.R.G.
Adams County District Court, 18JD571
[Court order issued February 3, 2020](#)

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC749, Court of Appeals Case No. 14CA2083

Petitioner:

Franky Lamont Session,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *Melton v. People*, 14SC282, 2019 CO 89; *Wells-Yates v. People*, 16SC592, 2019 CO 90; and *People v. McRae*, 16SC753, 2019 CO 91. EN BANC.

No. 17SC829, Court of Appeals Case No. 14CA2082

Petitioner:

Franky Lamont Session,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *Melton v. People*, 14SC282, 2019 CO 89; *Wells-Yates v. People*, 16SC592, 2019 CO 90; and *People v. McRae*, 16SC753, 2019 CO 91. EN BANC.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC107, Court of Appeals Case No. 17CA1992

Petitioner:

Department of Corrections, Denver Reception & Diagnostic Center,

v.

Respondents:

State Personnel Board and Matthew Mark Stiles.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the State Personnel Board may only reverse or modify an appointing authority's disciplinary decision if at least three members of the Board find it to be arbitrary, capricious, or contrary to rule or law, and if so, whether this standard prevents the State Personnel Board from reviewing such a disciplinary decision de novo and without giving any deference to it.

DENIED AS TO ALL OTHER ISSUES.

No. 19SC445, District Court, Grand County, Case No. 18CV30044

Petitioner:

John Marshall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Grand County District Court is vacated, and the case is remanded to the district court for reconsideration in light of *Martinez v. People*, 18SC482, 2020 CO 3. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC340, Court of Appeals Case No. 14CA589

Petitioner:

Adam James Younger,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC600, Court of Appeals Case No. 16CA481

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Scott Alan Oldright.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT would grant as to the following issues:

Whether, under *Rutter v. People*, 2015 CO 71, a trial court conducting an abbreviated proportionality review of a habitual sentence must consider the General Assembly's reclassification of some of a defendant's prior felony convictions, where the triggering offense is grave and serious and has not been reclassified.

Whether a sixty-four year habitual sentence raises an inference of gross proportionality when the triggering offense is first degree assault with a deadly weapon, two of defendant's five prior felony convictions would still be felonies if committed today, and at least one prior conviction is a grave and serious offense for proportionality purposes.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC636, Court of Appeals Case No. 13CA1749

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Dennis Edward Granger.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE SAMOUR does not participate.

No. 18SC742, Court of Appeals Case No. 15CA1009

Petitioner:

Hamilton Lee Sullivan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC53, Court of Appeals Case No. 15CA506

Petitioner:

Jason Virgil Boe,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC73, Court of Appeals Case No. 16CA294

Petitioner:

Joshua Robert Hoppe,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC297, Court of Appeals Case No. 18CA57

Petitioner:

Sharman Heotis,

v.

Respondent:

Colorado State Board of Education.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC451, Court of Appeals Case No. 15CA634

Petitioner:

Samuel Sims,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 19SC482, Court of Appeals Case No. 17CA3

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Maicle K. Abraha.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC484, Court of Appeals Case No. 17CA84

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Temesghen M. Gebreyohannes.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC632, Court of Appeals Case No. 18CA950

Petitioner:

23 LTD, d/b/a Bradsby Group, a Colorado corporation,
v.

Respondent:

Tracy Herman.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC665, Court of Appeals Case No. 18CA1059

Petitioner:

Trey Fernandez,
v.

Respondents:

Colt Holdings, LLC, a Colorado limited liability company and Jordan Head.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC812, Court of Appeals Case No. 17CA2305

In re the Estate of William A. Powers, a/k/a William Arthur Powers, a/k/a William Powers, a/k/a Bill Powers, deceased.

Petitioner:

Lora J. Powers,
v.

Respondent:

William Martin Powers.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC834, Court of Appeals Case No. 18CA192

Petitioner:

Jessie Medina Jr.,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC840, Court of Appeals Case No. 17CA819

Petitioner:

Matthew Dean Fletcher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC841, Court of Appeals Case No. 18CA684

Petitioner:

Lance Leroy McDermed,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC847, Court of Appeals Case No. 17CA1768

Petitioner:

Juan Lorenzo Johnson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC868, Bent County District Court, 18CV30

Petitioner:

Rodney Douglas Eaves,

v.

Respondent:

Joe Trujillo.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 19SC900, Court of Appeals Case No. 17CA30

Petitioner:

Esther Sarai Herring,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC902, Court of Appeals Case No. 17CA957

Petitioner:

Tomas Mars Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC910, Court of Appeals Case No. 17CA1965

Petitioner:

Paul Andrew Stelzer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 19SC911, Court of Appeals Case No. 18CA307

Petitioner:

Robert Lee Hunt, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC20, Court of Appeals Case No. 19CA383

Petitioner:

K. E.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

A. E. and L. E.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC28, Court of Appeals Case No. 19CA741

Petitioner:

A. M. M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

L. K.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC29, Court of Appeals Case No. 19CA518

Petitioner:

S. G. H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. D. E. F.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 20SC31, Court of Appeals Case No. 19CA639

Petitioner:

L. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

I. B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC44, Court of Appeals Case No. 19CA1047

Petitioner:

A. G.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

M. G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 20SC45, Court of Appeals Case No. 19CA556

Petitioner:

E. M.-S.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

B. H.-M.

Petition for Writ of Certiorari DENIED. EN BANC.
