

2016SC542 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Brent Richard Berdahl.

For the Petitioner:

L Andrew Cooper
COLORADO DEPARTMENT OF LAW

For the Respondent:

Britta Kruse
COLORADO OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2014CA72

Docketed: July 7, 2016

At Issue: December 4, 2018

ISSUE(S):

Whether a police officer may offer to provide a consensual ride in a patrol car to a person needing transport, but require that the person submit to a pat-down search before entering the patrol car.

Whether *People v. Berdahl*, 2012 COA 179, 310 P.3d 230, should be overruled, and the constitutionality of the pat-down search in this case be upheld under the principles stated in *People v. Gow*, 2016 COA 119M, ___ P.3d ___.

2016SC783 (1 HOUR)

Petitioner:

Tommy Allen Gow,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Julia Chamberlin
Anne Bradshaw Stockham
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Rebecca Anne Adams
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2014CA921
Docketed: October 6, 2016
At Issue: December 4, 2018

ISSUE(S):

Whether the court of appeals erred in creating, as a matter of first impression, a search incident to a courtesy ride exception to the Fourth Amendment.

2017SC427 (1 HOUR)

Petitioner:

Blooming Terrace No. 1, LLC,

v.

Respondents:

Kresher Holdings, LLC and KH Blake Street, LLC.

For the Petitioner:

John M McHugh
REILLY POZNER LLP

For the Respondents:

Jason D Hermele
LAW OFFICES OF JOHN D. HALEPASKA
and
David Alfred Laird
MOYE WHITE

**For Amicus Curiae Colorado LGBTQ Chamber of
Commerce**

Kyle Wesley Brenton
U.S. ATTORNEYS OFFICE

**For Amicus Curiae Hispanic Chamber of Commerce
of Metro Denver**

Kyle Wesley Brenton
U.S. ATTORNEYS OFFICE

Certiorari to the Colorado Court of Appeals, 2016CA1096

Docketed: June 16, 2017

At Issue: December 4, 2018

ISSUE(S):

[REFRAMED] Whether the calculation of an interest rate for a nonconsumer loan under section 5-12-103, C.R.S. (2017), requires late fees and default interest accrued during a forbearance period to be totaled with all other interest charges from the entire loan period and annualized using the entire loan period as the annualization period.

[REFRAMED] Whether the calculation of an interest rate for a nonconsumer loan under section 5-12-103, C.R.S. (2017), requires late fees and default interest accrued during a forbearance period to be totaled and annualized using only the forbearance period as the annualization period.

2017SC659 (1 HOUR)

Petitioner:

Frederick Leroy Allman,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Suzan Trinh Almony
Lauretta A Martin Neff
LAURETTA A. MARTIN NEFF

For the Respondent:

Kevin E McReynolds
OFFICE OF ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2015CA1235
Docketed: September 19, 2017
At Issue: December 4, 2018

ISSUE(S):

Whether the court of appeals erroneously ruled, as a matter of first impression, that pursuant to section 18-5-902(1)(a), C. R.S. (2013), the crime of identity theft is not a continuing offense, in violation of the petitioner's constitutional right against double jeopardy.

[REFRAMED] Whether the trial court abused its discretion in sentencing the petitioner to eight separate counts of identity theft.

[REFRAMED] Whether the district court erroneously exceeded its authority and/or abused its discretion in sentencing the petitioner to incarceration for one count of forgery and probation for the second count of forgery, to be served consecutively.

[REFRAMED] Whether the district court erroneously exceeded its authority and/or abused its discretion in sentencing the petitioner to multiple counts of identity theft and forgery based on identical evidence.

2017SC144 (1 HOUR)

Petitioner:

Leo Phillips,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Shann Renee Jeffery
OFFICE OF THE STATE PUBLIC DEFENDER

For the Respondent:

Majid yazdi
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2014CA2482

Docketed: February 28, 2017

At Issue: December 4, 2018

ISSUE(S):

Whether the court of appeals reversibly erred when it held that petitioner waived his right to challenge the admission of his police station statements on the grounds that they were tainted by his earlier unconstitutional interrogation.

Whether the court of appeals reversibly erred when it held that petitioner waived his right to challenge the admission of the gun that was seized from his vehicle on voluntariness grounds.

2017SC541 (1 HOUR)

Petitioner:

Ryan Matthew Cardman,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Katherine Brien
OFFICE OF THE STATE PUBLIC DEFENDER

For the Respondent:

Gabriel P Olivares
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2014CA202
Docketed: July 28, 2017
At Issue: December 4, 2018

ISSUE(S):

Whether the district court violated the petitioner's constitutional right to due process and reversibly erred by admitting statements the petitioner made to a detective, without first determining whether the statements were voluntary and whether the petitioner was entitled to specific performance of direct and/or implied promises made to him by the detective during the interrogation.

2018SC30 (1 HOUR)

Petitioner:

Carousel Farms Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado,

v.

Respondent:

Woodcrest Homes, Inc. a Colorado corporation.

For the Petitioner:

Carrie Sue Bernstein
Steven M. Nagy
Jody Harper Alderman
ALDERMAN BERNSTEIN
LLC

For the Respondent:

David Delmer Schlachter

DYMOND REAGOR PLLC

For Amicus Curiae Institute for Justice

Diana K Simpson
Jeffrey Redfern
INSTITUTE FOR JUSTICE

Certiorari to the Colorado Court of Appeals, 2015CA1956
Docketed: January 11, 2018
At Issue: December 4, 2018

ISSUE(S):

[REFRAMED] Whether the court of appeals should review for clear error a trial court's determination that a condemning authority sufficiently demonstrated that a taking is for a public use.

[REFRAMED] Whether the court of appeals erred in concluding a metropolitan district failed to prove condemnation of a parcel was for a public use and necessary, where the subdivision that would principally benefit from the condemnation did not exist at the time of the taking and development of the subdivision was conditioned on the district's acquisition of the parcel.

[REFRAMED] Whether the court of appeals erred in concluding that a metropolitan district's condemnation of a parcel violated section 38-1-101(1)(b), C.R.S. (2017), when the condemned parcel would be dedicated to the public and would not be transferred to a private entity.

2016SC269 (1 HOUR)

Petitioner:

Paul Lacey Rail,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Anne T Amicarella
COLORADO STATE PUBLIC DEFENDER

For the Respondent:

John T Lee
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2013CA392

Docketed: April 7, 2016

At Issue: December 4, 2018

ISSUE(S):

[REFRAMED] Whether a defendant waives appellate review by failing to request further polling of the jury when polling affirms the court's reading of the jury's guilty verdict on the charge of sexual assault on a child ('SAOC') and of the special interrogatory reflecting the jury's findings that acts establishing a pattern of sexual abuse had been proven, but the trial court fails to read aloud the unanimity interrogatory which reflected that the jury found that none of the acts to establish the SAOC charge had been proven.

[REFRAMED] Whether, under Sanchez v. People, 2014 CO 29, reversal is required when a jury unanimously finds that none of the alleged acts establishing SAOC were proven yet the trial court nonetheless directs a guilty verdict as to SAOC because the jury found that the same acts were proven to establish a pattern of sexual abuse.
