

2015SC1096 (1 HOUR)

Petitioner:

James Jud Bondsteel,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Andrew C Heher
Jason C Middleton
COLORADO STATE PUBLIC DEFENDERS
OFFICE

For the Respondent:

William George Kozeliski
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2011CA1784
Docketed: December 31, 2015
At Issue: November 21, 2018

ISSUE(S):

[ADDITIONAL ISSUE] Whether a defendant's failure to renew an objection at trial to the prosecution's pretrial motion to join two separately filed cases waives the defendant's ability to challenge the joinder on appeal.

[REFRAMED] Whether the trial court abused its discretion in joining the Motorcycle Case with the Signal Mountain Trail Case for trial.

2018SC18 (1 HOUR)

Petitioner:

Francis Gayle Buell,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Brian Cox
OFFICE OF THE STATE PUBLIC DEFENDER

For the Respondent:

William George Kozeliski
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2014CA2245
Docketed: January 5, 2018
At Issue: November 21, 2018

ISSUE(S):

Whether the trial court abused its discretion when it granted the prosecution's motion to consolidate petitioner's two cases.

2016SC584 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

April Rose Travis.

For the Petitioner:

Kevin E McReynolds
Molly Elizabeth McNab
OFFICE OF THE COLORADO ATTORNEY
GENERAL

For the Respondent:

Kamela Maktabi
COLORADO STATE PUBLIC DEFENDER
OFFICE

Certiorari to the Colorado Court of Appeals, 2013CA1431
Docketed: July 27, 2016
At Issue: November 21, 2018

ISSUE(S):

Whether the eleven-factor balancing test in *People v. Brown*, 2014 CO 25, 322 P.3d 214, applies when a defendant does not invoke her right to counsel of choice, but rather requests additional time only to decide whether to look for replacement counsel and possibly invoke her right to counsel of choice.

If *People v. Brown*, 2014 CO 25, 322 P.3d 214, applies in this case, whether reversal is required only if the defendant can show prejudice and that the prejudice could have been cured by a continuance.

Whether the court of appeals erred in concluding that any error in denying the continuance cannot be harmless.

2018SA110 (1 HOUR)

Plaintiffs-Appellants:

Gary Sheek, Sheek Family Limited Partnership, and
Pamsey I. Sheek,

v.

Defendants-Appellees:

Roger Brooks, Veryl Goodnight, Ida May Smith, and The
James Fenberg Revocable Trust.

For the Plaintiff-Appellants:

Amy Nadine Huff
COLORADO WATER LAND LAW LLC

**For the Defendant-Appellees Roger Brooks and
Veryl Goodnight:**

Kelly Richard McCabe
Keenen D Lovett
KELLY R. MCCABE P.C.
and
Jennifer A Russell
RUSSELL PIETERSE LLC

Appeal from the District Court, , 2016CW3008
Docketed: April 20, 2018
At Issue: November 21, 2018

ISSUE(S):

Whether the water court erred in holding that it had subject matter jurisdiction over the change of water right application in Case No. 08CW64.

Whether the water court erred in holding that notice of the ruling sought in Case No. 08CW64 complied with the law and satisfied due process.

Whether the water court erred in determining Brooks has a legal right to use the ditch easement for the Davenport Ditch.

Whether the water court erred in declaring moot Sheek's request for injunctive relief to prevent Brooks from using the easement for the Davenport Ditch.

Whether the water court erred in declaring Sheek's trespass claim moot.

Whether the water court erred in dismissing Sheek's causes of action for a prescriptive easement, for trespass, for theft and interference with delivery of water, and for injunctive relief.

2017SC61 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Israel Chavez-Torres.

For the Petitioner:

Carmen Moraleda
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Antony Mark Noble
Matthew Roy Fredrickson
THE NOBLE LAW FIRM LLC

Certiorari to the Colorado Court of Appeals, 2015CA1507
Docketed: January 26, 2017
At Issue: November 21, 2018

ISSUE(S):

[REFRAMED] Whether the court of appeals erred when it held that a non-citizen defendant's allegation that plea counsel failed to advise him of the adverse immigration consequences of a guilty plea was sufficient to warrant a hearing on whether he established justifiable excuse or excusable neglect for the untimely filing of his Crim. P. 35(c) motion.

2017SC728 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Frederico Alvarado-Hinojos.

For the Petitioner:

Joseph G Michaels
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Antony Mark Noble
Matthew Roy Fredrickson
THE NOBLE LAW FIRM LLC

Certiorari to the Colorado Court of Appeals, 2015CA1780
Docketed: October 18, 2017
At Issue: November 21, 2018

ISSUE(S):

Whether the court of appeals erred when it held that a non-citizen defendant's allegation that plea counsel misadvised him of the adverse immigration consequences of a guilty plea was sufficient to warrant a hearing on whether he established justifiable excuse or excusable neglect for the untimely filing of his Crim. P. 35(c) motion.

2015SC770 (1 HOUR)

Petitioner:

Nathan Richard Vigil,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Anne T Amicarella
Brian Cox
OFFICE OF THE STATE PUBLIC DEFENDER
and
Rachel C Funez
RACHEL C. FUNEZ

For the Respondent:

Carmen Moraleda
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2012CA15
Docketed: September 10, 2015
At Issue: November 26, 2018

ISSUE(S):

Whether the majority of the court of appeals misinterpreted and misapplied this court's precedents in holding, in a published opinion, that the trial court properly refused to excuse Juror C.A. for cause because he did not 'clearly evince bias,' where Juror C.A. expressed doubt about his ability to be fair and was never rehabilitated, and therefore should have been excused in line with this court's repeated holdings that a challenge for cause should be granted if a juror's impartiality is 'in doubt.'

Whether the court of appeals misinterpreted *People v. Novotny*, 2014 CO 18, 320 P.3d 1194, in holding that the erroneous grant of a prosecutor's challenge for cause cannot require reversal unless a biased or incompetent juror sat as a result of the error.

Whether, as a matter of first impression in Colorado, a police officer testifying as a lay witness, not endorsed or qualified as an expert in shoeprint comparisons, is permitted to testify to his opinion that the defendant's shoes 'visually matched' photographs of the shoeprints found at the crime scene, based on his own measurements and comparisons, as well as his training and experience as an officer, where the shoeprint comparison experts at CBI concluded the prints were not of sufficient quality for comparison and did not conclusively yield a match.

2017SC583 (1 HOUR)

Petitioner:

Owners Insurance Company, a Michigan corporation,

v.

Respondent:

Dakota Station II Condominium Association Inc., a
Colorado corporation.

For the Petitioner:

Terence M Ridley
Kayla Leigh Scroggins-Uptigrove
Evan B Stephenson
WHEELER TRIGG O'DONNELL LLP
and
Karen Hannah Wheeler
Jami Allison Maul
WHEELER WATERS, P.C.

For the Respondent:

Jonah Galen Hunt
ORTEN CAVANAGH HOLMES LLC

For Amicus Curiae American Insurance Association

Amy Michelle Samberg
FORAN GLENNON PALANDECH PONZI & RUD

**For Amici Curiae Colorado Civil Justice League and
Property Casualty Insurers Association of America**

Marilyn Sue Chappell
Jon F Sands
SWEETBAUM SANDS ANDERSON PC

**For Amicus Curiae Colorado Defense Lawyers
Association**

Dylan G Lewis
DYLAN G. LEWIS ESQ.

**For Amicus Curiae Colorado Trial Lawyers
Association**

David M Roth
SPEIGHTS & WORRICH COLORADO LLC
and
Keith Evan Frankl
THE FRANKL LAW FIRM PC

**For Amici Curiae National Association of Public
Insurance Adjusters and Rocky Mountain
Association of Public Insurance Adjusters:**

Christopher Mosley
SHERMAN HOWARD

For Amicus Curiae United Policyholders

James Matthew Davis
REED SMITH LLP

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, January 16, 2019
Bailliff: Chambers of Justice Boatright

2:15 p.m.
EN BANC



Certiorari to the Colorado Court of Appeals, 2016CA733
Docketed: August 18, 2017
At Issue: November 21, 2018

ISSUE(S):

Whether the court of appeals' rule permitting insurance appraisers to 'favor one side more than the other' and act as 'advocates' for the selecting party conflicts directly with this court's holding in Providence Washington Insurance Co. v. Gulinson that such '[a]ppraisers are not [arbitration] referees, but their duty of impartiality is the same.' 215 P. 154, 155 (Colo. 1923).

Whether the court of appeals' rule permitting insurance appraisers to utilize contingent-cap fee agreements that tie the appraiser's own compensation to the ultimate appraisal award conflicts directly with the holding from Providence Washington Insurance Co. v. Gulinson, 215 P. 154, 155 (Colo. 1923), that such appraisers must be impartial in the same manner as an arbitrator.
