

2014SC282 (1 HOUR)

**Petitioner:**

Johnny Maurice Melton,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Elizabeth H Porter-Merrill Deputy Public Defender  
Office of the Public Defender

**For the Respondent:**

William George Kozeliski Assistant Attorney General  
Office of the Attorney General

Certiorari to the Colorado Court of Appeals, 2011CA225  
Docketed: April 17, 2014  
At Issue: January 16, 2019

ISSUE(S):

[REFRAMED] Whether a drug possession conviction constitutes a grave or serious offense.

Whether a court, when conducting an abbreviated proportionality review of a habitual criminal sentence, can consider the General Assembly's subsequent reclassification of a crime and/or amendment of the habitual criminal statute that made an underlying crime inapplicable for purposes of a habitual criminal adjudication.

Whether a twenty-four year sentence is cruel and unusual punishment for a drug possession conviction enhanced under the habitual criminal statute where, based upon revisions to the drug statutes and habitual criminal statute, the defendant would not be eligible for habitual sentencing and would receive a two year maximum sentence.

[REFRAMED] Whether a theft conviction constitutes a grave or serious offense.

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2016SC592 (1 HOUR)

**Petitioner:**

Belinda May Wells-Yates,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Dayna Vise  
OFFICE OF THE COLORADO STATE PUBLIC

**For the Respondent:**

Michael David McMaster  
STATE OF COLORADO OFFICE OF THE ATT

Certiorari to the Colorado Court of Appeals, 2013CA1216  
Docketed: July 28, 2016  
At Issue: January 16, 2019

ISSUE(S):

Whether a 72 year prison sentence based on a defendant's habitual offender status is grossly disproportionate when the defendant has only three prior felony drug possession convictions, which the legislature has re-classified and which could no longer be used to quadruple a defendant's sentence.

Whether a court, when conducting an abbreviated proportionality review of a habitual sentence, can consider the General Assembly's subsequent reclassification of a crime or amendment of the habitual criminal statute that made an underlying crime inapplicable for purposes of a habitual criminal adjudication.

Whether this Court in *Rutter v. People*, 2015 CO 71, 363 P.3d 183, intended to overrule its prior precedent establishing that courts must look at both the triggering conviction and prior convictions in combination when assessing whether a sentence is disproportionate under the Eighth Amendment.

Whether this Court's announcement in *People v. Deroulet*, 48 P.3d 520 (Colo. 2002), that all narcotics-related offenses are per se grave and serious should be revisited in light of recent legislative amendments to our drug laws.

Whether convictions for drug possession or drug possession with intent are grave and serious.

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2016SC753 (30 MINUTES)

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Clifton Eugene McRae.

**For the Petitioner:**

David J Young  
Michael J Milne  
Michael N Whitney  
17TH JUDICIAL DIST ATTYS OFFICE

**For the Respondent:**

April Meredith Elliott  
THE LAW OFFICE OF APRIL M. ELLIOTT

Certiorari to the Colorado Court of Appeals, 2015CA545  
Docketed: September 23, 2016  
At Issue: January 16, 2019

ISSUE(S):

Whether a court, when conducting an abbreviated proportionality review of a habitual criminal sentence for convictions and offenses which all pre-date July 2, 2013, can consider the General Assembly's subsequent reclassification of a crime and/or amendment of the habitual criminal statute to significantly reduce a sentence on a habitual criminal adjudication even though the statute applied to drug felony offenses committed on or after October 1, 2013.

Whether the court of appeals erred in remanding the Defendant's case for an extended proportionality review rather than ordering entry of a 64-year habitual offender sentence, applicable at the time the defendant committed the triggering offense and the per se grave and serious controlled substance-related convictions.

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2018SA237 (1 HOUR)

**In Re:**

**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Brandon D. Brown.

**For the Plaintiff:**

Dawn M Weber  
Johanna G Coats  
Timothy R Twining

**For the Defendant:**

Christine Catherine Antoun  
ANTOUN FIEDOROWICZ LAW OFFICE LLC  
and  
Amy Dell Trenary  
APPEAL TO JUSTICE LLC  
and  
Danielle Marie McCarthy  
DANIELLE M. MCCARTHY P.C.

Original Proceeding, District Court, Denver District Court, 2017CR20001

Docketed: September 21, 2018

At Issue: January 16, 2019

ISSUE(S):

Whether the district court abused its discretion by refusing to issue a protective order preventing the prosecution from admitting into trial evidence confidential and privileged information Defendant wishes to disclose for the sole purpose of supporting his motion for reverse-transfer.

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2016SC508 (1 HOUR)

**Petitioner/Cross-Respondent:**

Michael Alan Fransua,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

**For the Petitioner/Cross-Respondent:**

Rachel K Mercer  
OFFICE OF THE COLORADO STATE PUBLIC

**For the Respondent/Cross-Petitioner:**

Brock J Swanson  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2014CA2487  
Docketed: June 27, 2016  
At Issue: January 16, 2019

ISSUE(S):

[REFRAMED] Whether the court of appeals properly concluded that petitioner was not entitled to 108 days of presentence-confinement credit because there was no substantial nexus between the confinement for which he sought credit and the charge or conduct for which his sentence was imposed.

Whether section 2-4-108(1), C.R.S. (2016), which provides that, 'in computing periods of days, the first day is excluded and the last day is included,' applies to the calculation of presentence-confinement credit.

Whether the court of appeals properly concluded that a challenge to the amount of presentence-confinement credit noted on the mittimus is a claim that the sentence was not authorized by law.

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2017SC570 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Douglas L. Baker.

**For the Petitioner:**

William George Kozeliski  
COLORADO DEPARTMENT OF LAW

**For the Respondent:**

Adam Neil Mueller  
HADDON MORGAN AND FOREMAN P.C.

Certiorari to the Colorado Court of Appeals, 2016CA704  
Docketed: August 11, 2017  
At Issue: January 16, 2019

ISSUE(S):

Whether a challenge to the amount of presentence confinement credit noted on the mittimus is a claim that the sentence was not authorized by law under Crim. P. 35(a).

Whether the correction of a sentence not authorized by law renews the three-year deadline for collaterally attacking the original judgment of conviction in all respects.

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2017SC744 (1 HOUR)

**Petitioner:**

Jennifer Lynn Johnson,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Julia Chamberlin  
OFFICE OF THE COLORADO STATE PUBLIC

**For the Respondent:**

Jillian J Price  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2015CA474  
Docketed: October 25, 2017  
At Issue: January 24, 2019

ISSUE(S):

Whether the court of appeals erred in finding that the prosecutor did not engage in misconduct when he repeatedly used variations of the word 'lie' to opine on the veracity of witnesses in violation of *Wilson v. People*, 743 P.2d 415 (Colo. 1987)

Whether the court of appeals erred in concluding that the prosecutor's repeated references to Johnson's prior criminality was proper even though the trial court excluded this evidence from trial.

Whether the court of appeals erred in applying the cumulative error analysis test announced in *People v. Howard-Walker*, 2017 COA 81M, ¶ 118, to evaluate the harm from the prosecutor's misconduct rather than this court's test in *Domingo-Gomez v. People*, 125 P.3d 1043, 1053 (Colo. 2005).

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2018SA212 (1 HOUR)

**Plaintiffs:**

Georgina Santich; Amanda Livingston; Rebecca Rail; Amanda Gabriel; Casandra Windecker; Gale Raffaele; Adrienne Axelson; Amanda Shafer; Brandi Campbell; Penny Watkins; Arielle Mansfield; Emily Bachelder; Amrica Terrell; Melanie Tracy; Ashley Wozneak; Laportia Oakley; Alexis Nagle; Janel Anderson; Porscha Green; Johanna Grissom; Karla Martinez; Amy Glines; Chada Mantooh; Ariel Cline; Alena Bailey; Jessica Saulters-Archuleta; Melissa Chavez; Talita Catto; Megan Fitzgerald; Christina Massaro; Andrea Abbott; Nicole Bujok; Rachel Berry; and Kimberly Hale, all individually and on behalf of all others similarly situated;

v.

**Defendants:**

VCG Holding Corp.; Lowrie Management, LLLP; Denver Restaurant Concepts LP d/b/a PTs Showclub; Troy Lowrie; Michael Ocello; Kenkev, II, Inc. d/b/a PT's Showclub Portland; Indy Restaurant Concepts, Inc. d/b/a PT's Showclub Indy; Glenarm Restaurant LLC d/b/a Diamond Cabaret; Glendale Restaurant Concepts, LP d/b/a The Penthouse Club; Stout Restaurant Concepts, Inc. d/b/a La Boheme; and VCG Restaurants Denver, Inc. d/b/a PT's All Nude.

**For the Plaintiffs:**

Mari Anne Newman  
Darold Wayne Killmer  
Liana Gerstle Orshan  
Andrew McNulty  
KILLMER LANE NEWMAN LLP  
and  
David H Seligman  
Towards Justice

**For the Defendants:**

Collin O'Connor Udell  
Melisa Hallie Panagakos  
Allan Stephen Rubin  
Ryan P Lessman  
JACKSON LEWIS PC

**For Amicus Curiae Colorado Trial Lawyers Association:**

Sarah Parady  
LOWREY PARADY LLC

**For Amicus Curiae Colorado National Employment Lawyers Association and Plaintiff Employment Lawyers Association:**

Joan M Bechtold  
SWEENEY BECHTOLD LLC

Original Proceeding, District Court, 2017CV00631-RM-MEH  
Docketed: August 22, 2018  
At Issue: January 16, 2019

ISSUE:

What elements must be established by a nonsignatory to an arbitration agreement in order for the doctrine of equitable estoppel to apply and thereby require a signatory to an arbitration agreement to arbitrate claims brought against a nonsignatory?