

2020SA278

**Plaintiffs-Appellants:**

Robert Kint Glover, Gerald Kiefer, Marjorie R Kiefer Marital Trust, Blair A Kiefer Family Trust, Jane Raeleen Dunn, Friday LLC, and The Estate of Robert Kint Glover,

**and**

**Appellant:**

Gregory Cucarola,

**v.**

**Defendants-Appellees:**

Serratoga Falls LLC; Resource Land Holdings LLC; Jesse McDowell; Town of Timnath; Kitchel Lake Development Corporation; Kitchel Lake Partners, LLC; James Righeimer; Lee Lowrey; and Kenneth Mitchell.

**For the Plaintiff-Appellants Robert Kint Glover, Gerald Kiefer, Marjorie R. Kiefer Marital Trust, Jane Raeleen Dunn, Friday LLC, and the Estate of Robert King Glover:**

Craig Corona  
LAW OFFICE OF CRAIG CORONA PC  
and  
Kevin J Kinnear  
PORZAK BROWNING BUSHONG LLP

**For the Appellant Gregory Cucarola:**

Michael T McConnell  
Robert W Steinmetz  
MCCONNELL VAN PELT LLC

**For the Defendant-Appellee Serratoga Falls LLC, Resource Land Holdings LLC, and Jesse McDowell:**

Joshua Aaron Weiss  
Steven Owen Sims  
Hubert A Farbes  
BROWNSTEIN HYATT FARBER SCHRECK LLP

**For the Defendant-Appellee Town of Timnath:**

Jeffrey J Kahn  
Jeffrey Scott Rose  
LYONS GADDIS KAHN HALL JEFFERS DWOR

**For the Defendant-Appellee Kitchel Lake Development Corporation, Kitchel Lake Partners, James Righeimer, Lee Lowrey and Kenneth Mitchell:**

Allan Massey  
VAHRENWALD MCMAHILL MASSEY MITCHEL

Appeal from the District Court, , 2018CW3166

Docketed: August 10, 2020

At Issue: March 22, 2021

ISSUE(S):

1. Whether the water court lacked subject matter jurisdiction over the action.
  - a. Whether the case involves any "water matter."
  - b. Whether there is ancillary jurisdiction over any non-water matter.
  - c. Whether the water court erred as a matter of law in proceeding without publication of a resume notice.
2. In the alternative, if the water court had subject matter jurisdiction, whether the court committed multiple legal errors in rulings on the merits.
  - a. Whether the water court erred as a matter of law in holding that Plaintiffs' claim for trespass upon the KG Lateral easement required proof of damages.
  - b. Whether the water court erred as a matter of law in concluding that Plaintiffs' KG Lateral's trespass claims lacked substantial justification and awarding sanctions on those claims.
  - c. Whether the water court erred as a matter of law when it dismissed Kiefer's claims to a Prospect Lateral easement.
  - d. Whether the water court erred as a matter of law by not declaring all of the parties' rights and duties in the subject easements.
  - e. Whether the water court erred as a matter of law by awarding attorneys' fees.

2020SC205

**Petitioner:**

The People of the State of Colorado,

**v.**

**Respondent:**

Randy D. Tallent.

**For the Petitioner:**

Melissa Dick Allen  
OFFICE OF THE ATTORNEY GENERAL

**For the Respondent:**

Joseph T Goodner  
JOSEPH T. GOODNER

Certiorari to the Colorado Court of Appeals, 2015CA40  
Docketed: March 11, 2020  
At Issue: March 22, 2021

ISSUE(S):

Whether the court of appeals failed to follow this court's decision in *People v. Morehead*, 2019 CO 48, 442 P.3d 413, by attempting to define and constrain the trial court's exercise of its discretion on remand.

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2019SC249 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

**v.**

**Respondent:**

Kerry Lee Cooper.

**For the Petitioner:**

Katharine Jackson Gillespie  
OFFICE OF THE ATTORNEY GENERAL

**For the Respondent:**

Tracy C Renner  
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2015CA576

Docketed: April 4, 2019

At Issue: March 22, 2021

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in concluding that blind expert testimony on domestic violence was inadmissible because the charged act was the first act of domestic violence in the relationship.

[REFRAMED] Whether the court of appeals erred in concluding that blind expert testimony on domestic violence must be limited to those facets of a subject that are specifically tied to the particular facts of the case.

Whether the court of appeals erred in finding that the admission of the expert testimony was not harmless.

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2019SC485 (30 MINUTES)

**Petitioner:**

The People of the State of Colorado,

**v.**

**Respondent:**

Dylan Thomas Coons.

**For the Petitioner:**

William George Kozeliski  
COLORADO DEPARTMENT OF LAW

**For the Respondent:**

Britta Kruse  
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2015CA1922

Docketed: June 26, 2019

At Issue: March 22, 2021

ISSUE(S):

Whether the court of appeals erred in finding the entirety of a blind expert's testimony under CRE 702 must be limited to occurrences that are specifically tied to the particular facts of the case.

Whether the court of appeals erred in finding the admission of the expert testimony was not harmless.

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2020SC251 (ONE HOUR)

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Paul Alex Lavadie.

**For the Petitioner:**

Jacob Robert Lofgren  
COLORADO DEPARTMENT OF LAW

**For the Respondent:**

Jud A Lohnes  
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2018CA1308  
Docketed: March 25, 2020  
At Issue: March 22, 2021

ISSUE(S):

Whether, under circumstances where a defendant refuses to participate in an advisement pursuant to *People v. Arguello*, 772 P.2d 87 (Colo. 1989), a district court must advise the defendant that his failure to participate in the advisement will cause him to lose the right to represent himself.

Whether, under circumstances where a defendant refuses to participate in an initial Arguello advisement, a district court must repeat that advisement at every subsequent hearing where he repeats his request to represent himself.

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2020SC401 (30 MINUTES)

**Petitioner:**

Mark A. Strepka,

**v.**

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Mark David Evans  
COLORADO STATE PUBLIC DEFENDER

**For the Respondent:**

Brock J Swanson  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2016CA348  
Docketed: May 19, 2020  
At Issue: March 22, 2021

ISSUE(S):

Whether trial courts lose jurisdiction to dispose of property, unlawfully seized by the government from Colorado citizens, at the instant criminal charges are dismissed.

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2020SC292 (30 MINUTES)

**Petitioner:**

Lo Viento Blanco, LLC, an Arizona limited liability  
company,

v.

**Respondent:**

Woodbridge Condominium Association, Inc., a Colorado  
nonprofit corporation.

**For the Petitioner:**

Katayoun Azizpour Donnelly  
AZIZPOUR DONNELLY LLC  
and  
James A Knowlton  
LAW OFFICE OF JAMES A KNOWLTON LLC

**For the Respondent:**

Lucas A Peck  
Heather Jane Manolakas  
PECK FEIGENBAUM PC

Certiorari to the Colorado Court of Appeals, 2018CA2250

Docketed: April 9, 2020

At Issue: March 22, 2021

ISSUE(S):

Whether, under Colorado law, an adverse occupier's acknowledgement or recognition of the owner's title during the occupant's claimed prescriptive period interrupts the prescriptive use and defeats the presumption that any use was adverse.

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