

2018SC772 (1 HOUR)

In re the Marriage of

Petitioner:

Steven R. Durie,

and

Respondent:

Kelly J. Durie n/k/a Kelly J. Simmerman.

For the Petitioner:

Wendy J Smock
John Henry Tatlock
Courtney Jennifer Leathe Allen
Steven Bruce Epstein
EPSTEIN PATIERNO LLP

For the Respondent:

Craig A Weinberg
STEVENS LITTMAN BIDDISON THARP &
WEINBERG LLC

Certiorari to the Colorado Court of Appeals, 2017CA1295
Docketed: November 1, 2018
At Issue: September 9, 2019

ISSUE(S):

[REFRAMED] Whether C.R.C.P. 12(b)(5) and the 'plausibility' standard set forth in *Warne v. Hall*, 2015 CO 50, 373 P.3d588, apply to a motion under C.R.C.P. 16.2(e)(10).

[REFRAMED] Whether a moving party may make allegations on 'information and belief' in a C.R.C.P. 16.2(e)(10) motion.

[REFRAMED] Whether a moving party is entitled to conduct discovery to support a motion under C.R.C.P. 16.2(e)(10).

[REFRAMED] What standards and procedures govern a motion under C.R.C.P. 16.2(e)(10).

2018SC646 (1 HOUR)

Petitioner:

Derick Wayne Russell,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Lisa Marie Weisz
COLORADO STATE PUBLIC DEFENDER

For the Respondent:

Grant R Fevurly
COLORADO DEPARTMENT OF LAW

Certiorari to the Colorado Court of Appeals, 2016CA2073

Docketed: September 14, 2018

At Issue: September 9, 2019

ISSUE(S):

When the defendant was terminated from his concurrent community corrections sentences from Jefferson and Douglas Counties, and resentenced to concurrent prison sentences in both counties, whether he is entitled to presentence confinement credit in Douglas County for time served in prison after his Jefferson County resentencing but before his Douglas County resentencing.

2018SC919 (1 HOUR)

Petitioner:

A. R.,

and

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Child:

A. R.,

v.

Respondent:

D. R..

For the Petitioner A. R.:

Anna Nikole Ulrich
ANNA N. H. ULRICH ATTORNEY AT LAW

For the Petitioner The People of the State of Colorado:

David Andrew Roth
GRADISAR TRECHTER RIPPE

For the Respondent D. R.:

Melanie L Jordan
OFFICE OF RESPONDENT PARENTS COUNSEL

For Amicus Curiae National Association of Counsel for Children

Brooke N Silverthorn
Eric E. Church
NATIONAL ASSOC. OF COUNSEL FOR CHILDREN

For Amicus Curiae Office of Respondent Parents' Counsel

Ruchi Kapoor
OFFICE OF RESPONDENT PARENTS' COUNSEL

For Amicus Curiae Office of the Child's Representative

Sheri M Danz
Cara L Nord
OFFICE OF THE CHILD'S REPRESENTATIVE

Certiorari to the Colorado Court of Appeals, 2017CA2038
Docketed: December 27, 2018
At Issue: September 9, 2019

ISSUE(S):

Whether the court of appeals, in departing from the decisions of other divisions of the court of appeals, correctly designated 'fundamental fairness' as the best means to apply the second prong of the analysis described in *Strickland v. Washington*, 466 U.S. 668 (1984), when assessing whether a parent's trial court counsel was ineffective in an appeal from a termination order in a dependency and neglect case.

[REFRAMED] Whether an appellate court may vacate a trial court's decision in a dependency and neglect case without remanding the case to the trial court to make findings under *Strickland's* two-part test.

[REFRAMED] Whether an appellate court, in a direct appeal from a judgment terminating parental rights, may consider a claim of ineffective assistance of counsel based on counsel's performance at an adjudicatory hearing.

2018SC482 (30 MINUTES)

Petitioner:

Quinten Martinez,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Christen May Nickel
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Joshua David Ritter
OFFICE OF THE DISTRICT ATTORNEY,
EIGHTH JUDICIAL DISTRICT

Certiorari to the District Court, Larimer County, 2017CV31055
Docketed: July 3, 2018
At Issue: September 9, 2019

ISSUE(S):

[REFRAMED] Whether the district court erred under section 42-4-1307(7)(c), C.R.S. (2018), when it affirmed Petitioner's sentence to 365 days in jail following a second probation revocation, after Petitioner had already been sentenced to 355 days in jail for a prior probation revocation on the same charge.

2017SC123 (1 HOUR)

Petitioner:

Kirk Thomas Williams,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Andrea Ruth Gammell
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Rebecca Anne Adams
OFFICE OF ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2014CA1547
Docketed: February 16, 2017
At Issue: September 9, 2019

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in holding that no search implicating the Fourth Amendment occurred when police officers entered the defendant's home, accompanied the defendant's wife to retrieve contraband belonging to the defendant that his wife had hidden, and seized the contraband.

[REFRAMED] Whether, under *Georgia v. Randolph*, 547 U.S. 103 (2006), a police officer may remain in a residence absent a warrant or an exigency when one occupant consents but another occupant is physically present and objects.

[REFRAMED] Whether the inevitable discovery doctrine applies when police officers are not already pursuing alternative lawful means of discovery at the time of an unlawful search and seizure.

2018SC817 (1 HOUR)

Petitioners:

National Association for Gun Rights, Inc. a Virginia nonprofit corporation; Rocky Mountain Gun Owners, a Colorado nonprofit corporation; and John A. Sternberg;

v.

Respondent:

Jared S. Polis, in his official capacity as Governor of the State of Colorado.

For the Petitioners:

Barry Kevin Arrington
ARRINGTON LAW FIRM

For the Respondent:

Grant Thomas Sullivan
Eric R Olson
Kathleen L Spalding
Stephanie Lindquist Scoville
OFFICE OF THE ATTORNEY GENERAL

For Amicus Curiae Brady Center to Prevent Gun Violence

Nathaniel Hiller Nesbitt
Mark Douglas Gibson
Lisa J. Fried
HOGAN LOVELLS US LLP

For Amicus Curiae City and County of Denver

Kirsten Crawford
Kristin M Bronson
Kristin R Anderson
DENVER CITY ATTORNEYS OFFICE

For Amicus Curiae City of Boulder

Thomas Aquinas Carr
BOULDER CITY ATTORNEY
and
William James Taylor
EVERYTOWN LAW

For Amicus Curiae Colorado Municipal League

David W Broadwell
and
Laurel Witt
COLORADO MUNICIPAL LEAGUE

For Amicus Curiae Colorado State Shooting Association

Richard Allen Westfall
HALE WESTFALL LLP

**For Amici Curiae Firearms Policy Coalition,
Millennial Policy Center, Firearms Policy
Foundation, Second Amendment Foundation**

Joseph Gary Samuel Greenlee
GREENLEE LAW

**For Amicus Curiae Giffords Law Center To Prevent
Gun Violence**

Nicole Kelley Serfoss
Sarah Elizabeth Barr
MORRISON FOERSTER LLP

**For Amici Curiae Independence Institute, Colorado
Law Enforcement Firearms Instructors Assn,
Sheriff Aaron Shiplett, Sheriff Anthony Mazzola,
Sheriff Allen Cooper, Sheriff Bill Elder, Sheriff
Brent Schroetlin, Sheriff Brett Powell, Sheriff
Danny Sanchez, Sheriff Dave Martin, Sheriff Don
McDonald, Sheriff Don Wilson, Sheriff Garrett
Wiggins, Sheriff Garth Crowther, Sheriff James
Van Beek, Sheriff Jason Mikesell, Sheriff Jeff
Shrader, Sheriff John Stivers, Sheriff Justin Smith,
Sheriff KC Hume, Sheriff Lou Vallario, Sheriff Matt
Lewis, Sheriff Richard Reigenborn, Sheriff Rick
Valdez, Sheriff Sam Zordel, Sheriff Shannon
Byerly, Sheriff Steve Reams, Sheriff Thomas
Elliott, Sheriff Tim Norton, Sheriff Todd Combs,
Sheriff Tom McGraw, and Sheriff Tony Spurlock**

David B Kopel
INDEPENDENCE INSTITUTE

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 13, 2019
Bailiff: Chambers of Justice Hart

1:00 p.m.
EN BANC

Certiorari to the Colorado Court of Appeals, 2017CA1502
Docketed: November 23, 2018
At Issue: September 9, 2019

ISSUE(S):

[REFRAMED] Whether this court should address and resolve the conflict between *Students for Concealed Carry onCampus, LLC v. Regents of the University of Colorado*, 280 P.3d 18 (Colo. App. 2010) and *Trinen v. City and County of Denver*, 53 P.3d 754 (Colo. App. 2002) surrounding the meaning of the 'reasonableness' standard of review established in *Robertson v. City and County of Denver*, 874 P.2d 325 (Colo. 1994).

[REFRAMED] Whether the court of appeals erred in applying the Robertson reasonableness standard after the United States Supreme Court's decision in *McDonald v. City of Chicago, Ill.*, 561 U.S. 742 (2010).

Whether the court of appeals' interpretation of HB 1224 was contrary to the plain meaning and purpose of the statute.

[REFRAMED] Whether HB 1224 violates the right to bear arms as set forth in article II, section 13 of the Colorado Constitution.

2018SC326 (30 MINUTES)

Petitioner:

Nevik Dean Howard,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

John Byram Plimpton
COLORADO OFFICE STATE OF THE PUBLIC

For the Respondent:

William George Kozeliski
COLORADO DEPARTMENT OF LAW

**For Amici Curiae Colorado Criminal Defense Bar,
Colorado Juvenile Defender Center, and Office
of Alternate Defense Counsel**

Ann M Roan
LAW OFFICES OF ANN M. ROAN LLC

Certiorari to the Colorado Court of Appeals, 2015CA629
Docketed: May 4, 2018
At Issue: September 9, 2019

ISSUE(S):

[REFRAMED] Whether the disparate sentencing guidance in the transfer statute, § 19-2-518, C.R.S. (2018), and the direct file statute, § 19-2-517, C.R.S. (2018), implicates a juvenile's right to equal protection.
