

2016SC639 (1 HOUR)

Petitioners:

TABOR Foundation A Colorado Nonprofit Corporation
and Penn Pfiffner,

v.

Respondents:

Regional Transportation District; Lorraine Anderson, Director of the Regional Transportation District; Kathy Imel, Director of the Scientific And Cultural Facilities District; Kate Williams, Director of the Regional Transportation District; Damon Barry, Director of the Scientific And Cultural Facilities District; Barbara Brohl, Executive Director; Colorado Department of Revenue; Bonnie Archuleta, Director of the Regional Transportation District; Paul Daniel Solano, Director of the Regional Transportation District; Barbara Deadwyler, Director of the Regional Transportation District; Claudia Folska, Director of the Regional Transportation District; Deborah Malden, Director of the Scientific And Cultural Facilities District; Dan Hopkins, Director of the Scientific And Cultural Facilities District; Larry Hoy, Director of the Regional Transportation District; Bob Broom, Director of the Regional Transportation District; Rob Johnson, Director of the Scientific And Cultural Facilities District; Kendra Black, Director of the Scientific And Cultural Facilities District; Ken Mihalik, Director of the Regional Transportation District; Peggy Lehmann, Director of the Scientific And Cultural Facilities District; Harold Logan, Jr., Director of the Scientific And Cultural Facilities District; Judy Lubow, Director of the Regional Transportation District; Natalie Menten, Director of the Regional Transportation District; Ann Speer, Director of the Scientific And Cultural Facilities District; Doug Tisdale, Director of the Regional Transportation District; Scientific And Cultural Facilities District; Charles Sisk, Director of the Regional Transportation District; Lynn Jeffers, Director of the Scientific And Cultural Facilities District; Tina Francone, Director of the Regional Transportation District; Elaine Torres, Director of the Scientific And Cultural Facilities District; and Jeff Walker, Director of the Regional Transportation District.

For the Petitioners:

Steven James Lechner
MOUNTAIN STATES LEGAL FOUNDATION

For the Respondents Regional Transportation District, Lorraine Anderson, Director of the Regional Transportation District,

Rolf Gunnar Asphaug
REGIONAL TRANSPORTATION DISTRICT

For for Scientific and Cultural Facilities District and its Directors, Kathryn Spuhler, Kathy Kucsan, Dan Hopkins, Peggy Lehmann, Joseph Arcese, Damon Barry, Robert Grant, Rob Johnson, Harold Logan Jr., Shepard Nevel and Elaine Torres:

Alan D Pogue
ICENOGL SEAVER POGUE PC
and
Charles Eugene Norton
NORTON SMITH PC

For the State Respondents:

Cynthia H. Coffman
Frederick R. Yarger
Robert H Dodd
Claudia Brett Goldin
OFFICE OF THE ATTORNEY GENERAL

For Amicus Curiae Colorado Municipal League:

Martina Hinojosa
BUTLER SNOW LLP

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 14, 2017
Bailiff: Justice Gabriel's Chambers

9:00 a.m.
EN BANC

Certiorari to the Colorado Court of Appeals, 2015CA582
Docketed: August 11, 2016

ISSUE(S):

Whether a taxpayer must prove 'beyond a reasonable doubt' that a district's levying of taxes without voter approval violates the Taxpayer's Bill of Rights (TABOR), Colo. Const. art. X, § 20(4)(a).

[REFRAMED] Whether H.B. 13-1272, which permits the Regional Transportation District and the Scientific and Cultural Facilities District to levy sales taxes on items previously exempt from sales taxes, requires voter approval under the Taxpayer's Bill of Rights (TABOR), Colo. Const. art. X, § 20(4)(a).

2017SA64 (44 MINUTES)

Plaintiff:

Melissa Kay Renfandt,

v.

Defendant:

New York Life Insurance Company.

For the Plaintiff Melissa Kay Renfandt:

Zachary Cline Warzel
Ross Whiting Pulkrabek
Daniel A Wartell
Lidiana Rios
KEATING WAGNER POLIDORI FREE PC

For the Defendant New York Life Insurance Company:

Gillian Dale
Kevin E O'Brien
HALL & EVANS, LLC

For Amicus Curiae American Council of Life Insurers:

Aaron August Boschee
Mary Jo Hudson
Holly W. Wallinger
Nicholas P. Zalany
SQUIRE PATTON BOGGS (US) LLP

For Amicus Curiae Colorado Trial Lawyers Association:

Timothy M. Garvey
MCDERMOTT LAW

Original Proceeding, District Court, , 2016CV01812-MSK-GPG
Docketed: April 4, 2017

ISSUE(S):

Under Colorado law, does a life insurance policy's exclusion for "suicide, sane or insane" exclude coverage (1) for all acts of self-destruction without regard to the insured's intent or understanding of the nature and consequences of his/her actions or (2) for only acts of self-destruction committed when the insured intends to take his/her own life or understands the nature and consequences of his/her actions?

2017SA5 (1 HOUR)

Plaintiff-Appellant:

Jim Hutton Educational Foundation, a Colorado non-profit corporation,

v.

Defendants-Appellees:

Dick Wolfe, in his capacity as the Colorado State Engineer; David Nettles, in his capacity as Division Engineer in and for Water Division No. 1, State of Colorado; Colorado Division of Water Resources; and Colorado Division of Parks and Wildlife;

and

Defendants-Intervenors:

Yuma County Water Authority Public Improvement District, Colorado Ground Water Commission, Marks Butte Ground Water Management District, East Cheyenne Ground Water Management District, Frenchman Ground Water Management District, Sandhills Ground Water Management District, Central Yuma Ground Water Management District, Plains Ground Water Management District, W-Y Ground Water Management District, and Arikaree Ground Water Management District,

and

Defendants:

Republican River Water Conservation District; City of Wray; City of Holyoke; Harvey Colglazier; Lazier, Inc.; Marjorie Colglazier Trust; Mariane U. Ortner; Timothy E. Ortner; Protect Our Local Community's Water, LLC; Saving Our Local Economy, LLC; North Well Owners; Tri-State Generation and Transmission Association, Inc.; Dirks Farms Ltd; Julie Dirks; David L. Dirks; Don Andrews; Myrna Andrews; Nathan Andrews; Happy Creek, Inc.; J & D Cattle, LLC; 4M Feeders, Inc.; May Brothers, Inc.; May Family Farms; 4M Feeders, LLC; May Acres, Inc.; Thomas R. May; James J. May; Steven D. Kramer; Kent E. Ficken; Carlyle James as Trustee of the Chester James Trust; Colorado Agriculture Preservation Association; Colorado State Board of Land Commissioners; and City of Burlington.

For the Plaintiff-Appellant Jim Hutton Educational

Foundation, a Colorado non-profit corporation:
Karen Leigh Henderson
Steven J Bushong
PORZAK BROWNING BUSHONG LLP

For the Defendant-Intervenor Colorado Ground Water Commission:

Cymthia H. Coffman
Chad Matthew Wallace
Patrick E. Kowaleski
OFFICE OF THE ATTORNEY GENERAL

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 14, 2017
Bailliff: Justice Gabriel's Chambers

10:45 a.m.
EN BANC

Appeal from the District Court, , 2015CW3018
Docketed: January 10, 2017

ISSUE(S):

Whether the water court erred in dismissing plaintiff-appellant's second claim for relief as unripe because the Colorado Groundwater Commission had not yet made the required threshold determinations.

2016SC112 (1 HOUR)

Petitioner:

Jane E. Norton,

v.

Respondents:

Rocky Mountain Planned Parenthood, Inc. a/k/a Planned Parenthood of the Rocky Mountains, Inc., a Colorado nonprofit corporation a/k/a Planned Parenthood of the Rocky Mtns Inc; John W. Hickenlooper, in his official capacity as Governor of the State of Colorado; Susan E. Birch, in her official capacity as Executive Director of the Colorado Department of Health Care Policy and Financing; and Larry Wolk, in his official capacity as Executive Director of the Colorado Department of Public Health & Environment.

For the Petitioner Jane E. Norton:

Michael Jeffrey Norton
THOMAS N. SCHEFFEL ASSOCIATES P.C.

For the Respondent Rocky Mountain Planned Parenthood, Inc. a/k/a Planned Parenthood of the Rocky Mountains, Inc., a Colorado nonprofit corporation:

Cynthia Annette Coleman
Kevin Carter Paul
HEIZER PAUL LLP

For the Respondents:

W. Eric Kuhn
OFFICE OF THE ATTORNEY GENERAL

For Amicus Curiae Christina Darlington

David Martin Hyams
SDG LAW LLC

For Amicus Curiae Colorado Family Action

David Martin Hyams
SDG LAW LLC

For Amici Curiae Colson Center for Christian Worldview, Faith and Freedom Coalition of Colorado, Family Talk, and James Dobson:

Michael Lee Francisco
FRANCISCO LAW

For Amicus Curiae Genesis Family Church

David Martin Hyams
SDG LAW LLC

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 14, 2017
Bailliff: Justice Gabriel's Chambers

1:30 p.m.
EN BANC

For Amicus Curiae Kingdom Way Ministries

David Martin Hyams
SDG LAW LLC

For Amicus Curiae Summit Ministries

DavidMartin Hyams
SDG LAW LLC

Certiorari to the Colorado Court of Appeals, 2013CV34544
Docketed: February 16, 2016

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in interpreting Colo. Const. art. V, section 50 to bar the use of state funds to pay for the performance of any induced abortion only to the extent that the performance of an induced abortion is the purpose for which the state makes the payment.

2015SC326 (1 HOUR)

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

David Delbert Rediger.

For the Petitioner/Cross-Respondent The People of the State of Colorado:

Brock J. Swanson
OFFICE OF THE ATTORNEY GENERAL

For the Respondent/Cross-Petitioner David Delbert Rediger:

Shann Renee Jeffery Deputy Public Defender
Office of the Public Defender

Certiorari to the Colorado Court of Appeals, 2012CA1386
Docketed: April 23, 2015

ISSUE(S):

Whether the jury verdict for interference with the staff, faculty, or students of an educational institution under section 18 9 109, C.R.S. (2015), resulted from an impermissible constructive amendment constituting reversible error.

Whether people providing public services on behalf of a public entity are public employees under section 18 9 110, C.R.S. (2015).

Whether the court of appeals erred in applying the waiver doctrine as a complete bar to appellate review of the constructive amendment in this case, where defense counsel stated that he was generally 'satisfied' with the jury instructions, but where there was no evidence that defense counsel was aware that the prosecutor erroneously tendered an uncharged offense in its proposed jury instructions.

2016SC313 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Adam Isolano Smith.

For the Petitioner The People of the State of Colorado:

Joseph G. Michaels
OFFICE OF THE ATTORNEY GENERAL

For the Respondent Adam Isolano Smith:

Daniel H. Kyser
LAW OFFICE OF DANIEL KYSER L.L.C.

Certiorari to the Colorado Court of Appeals, 2014CA2164
Docketed: April 21, 2016

ISSUE(S):

Whether a defendant waives his right to appellate review of a jury instruction when he affirmatively participated in amending part of the instruction but did not object to a different part he later challenges on appeal.

Whether a jury instruction that fails to identify a particular victim but includes a correlating special interrogatory that affirmatively identifies only one possible victim as to the elemental instruction creates a fatal simple variance that risks resulting in a non-unanimous verdict.

2015SC504 (44 MINUTES)

Petitioner:

George J. Ruibal,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner George J. Ruibal:

Dean S Neuwirth
DEAN NEUWIRTH P.C.

**For the Respondent The People of the State of
Colorado:**

Jacob Robert Lofgren
COLORADO ATTORNEY GENERALS OFFICE

Certiorari to the Colorado Court of Appeals, 2013CA276
Docketed: June 17, 2015

ISSUE(S):

[REFRAMED] Whether under CRE 702 the district court reversibly erred in admitting expert testimony from a forensic pathologist stating that killings involving excessive mutilation, or 'overkill,' are frequently committed by someone with a real or perceived emotional attachment to the victim.

2014SC772 (1 HOUR)

Petitioner:

Rodel Miranda,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Rodel Miranda:

Gregory Dave Lansky
THE LAW OFFICE OF GREGORY LANSKY LL

For the Respondent The People of the State of Colorado:

Erin Kelly Grundy Assistant Attorney General
Office of the Attorney General

Certiorari to the Colorado Court of Appeals, 2012CA1825
Docketed: September 29, 2014

ISSUE(S):

Whether the court of appeals erred in conducting a plain error analysis when a hearsay objection was raised and also erred when holding there was no obvious error in admitting a record pursuant to CRE 803(5) despite the record having been made two (2) years after the events described in it.

Whether the confrontation clause of the United States Constitution is violated when testimonial hearsay statements are admitted after the declarant had already testified, the declarant was not asked about all the hearsay statements during direct examination, and the declarant had been released.

Whether the recordings of the entire forensic interview were not admissible under the common law theory of prior consistent statements.
