

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, OCTOBER 16, 2017**

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

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**OPINIONS**

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**[2017 CO 99](#)**

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**[Supreme Court Case No. 14SC341](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 11CA7404

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**Petitioner:**

Jesus Manuel Ronquillo,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Reversed**

*en banc*

**JUSTICE HOOD** delivered the Opinion of the Court.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**PETITIONS FOR REHEARING**

NONE

**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC485, Court of Appeals Case No. 14CA204**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Glenwood Hunter, Jr.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of People v. Clemens, 14SC49, 2017 CO 89. EN BANC.

Whether the court of appeals erred in holding that Juror L's lack of response to the trial court's rehabilitative questioning in voir dire was silence.

DENIED AS TO ALL OTHER ISSUES.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 17SC33, Court of Appeals Case No. 15CA1514**

**Petitioners:**

State of Colorado, Colorado Department of Revenue and Executive Director of the Colorado Department of Revenue,  
v.

**Respondents:**

John Medved and Debra Medved.

Petition for Writ of Certiorari GRANTED. EN BANC.  
JUSTICE BOATRIGHT does not participate.

Whether the statute of limitations of a CE [conservation easement] donor applies to and binds the transferees of the resulting tax credit, as provided by section 39-22-522(7)(i), C.R.S. (2005).

Whether the Department's regulation, 1 C.C.R. 201-2:39-22-522(3)(g)(iii), constitutes a reasonable statutory interpretation of section 39-22-522(7)(i), C.R.S. (2005) entitled to deference.

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**No. 17SC147, Court of Appeals Case No. 13CA2117**

**Petitioner:**

Juvenal Onel Garcia,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in holding that an instructional error is not plain under the plain error standard if the erroneous instruction tracks the model jury instruction existing at the time of trial.

[REFRAMED] Whether the court of appeals erred in holding that an instructional error is not plain even though the error was plain at the time of direct appeal.

[REFRAMED] Whether by consolidating the first- and second-degree sexual assault statutes into a single statute in 2000, the General Assembly intended the circumstances specified in section 18-3-402(4), C.R.S. (2017) to no longer require proof of the mens rea "knowingly" in order to elevate sexual assault to a class three felony.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**Case No. 16SC957, Court of Appeals Case No. 13CA547**

**Petitioner:**

Raymond Lee Ortega,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC964, Court of Appeals Case No. 15CA1878**

**Petitioner:**

Timothy A. Jackson,

v.

**Respondent:**

The People of the State of Colorado,  
and Concerning

T. A. J., Jr.; A. L. J.; J. S. J.; H. J. J.; and A. K. J.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 16SC974, Arapahoe County District Court Case No. 15CV30461**

**Petitioner:**

Carl Taylor,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC31, Court of Appeals Case No. 14CA1385**

**Petitioner:**

James Hardy,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC36, Court of Appeals Case No. 14CA710**

**Petitioner:**

William Daniel Hardin,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC62, Court of Appeals Case No. 13CA1745**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Ashley P. Tafoya.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC70, Court of Appeals Case No. 13CA2278**

**Petitioner:**

Larry Joseph Baca,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC99, Court of Appeals Case No. 14CA2031**

**Petitioner:**

Abigail Crawford,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**No. 17SC127, Court of Appeals Case No. 15CA555**

**Petitioners:**

Kenneth G. Rohrbach; Karen L. Rohrbach; Paul K. Rohrbach; and Compost Express, Inc., a Colorado corporation,

v.

**Respondent:**

Board of County Commissioners of Elbert County, Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC137, Court of Appeals Case No. 13CA1937**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Ignacio Jimenez.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC157, Jefferson County District Court Case No. 16CV211**

**Petitioner:**

Wheat Ridge Municipal Court,

v.

**Respondent:**

Richard Eley.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC170, Court of Appeals Case No. 14CA1451**

**Petitioner:**

Susan Carol Rechtwig,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC183, Court of Appeals Case No. 13CA2373**

**Petitioner:**

Bobby Ray Dempsey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC218, Court of Appeals Case No. 14CA1425**

**Petitioner:**

Douglas William Eberhardt,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC221, Court of Appeals Case No. 14CA86**

**Petitioner:**

Ronald Louis Larkins,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC238, Court of Appeals Case No. 15CA900**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

A.A.M.

Petition for Writ of Certiorari DENIED. EN BANC.

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***COLORADO SUPREME COURT CASE ANNOUNCEMENTS***

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**No. 17SC249, Court of Appeals Case No. 14CA932**

**Petitioner:**

Douglas Abraham Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC251, Court of Appeals Case No. 16CA17**

**Petitioner:**

Matthew Lee Weber,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC265, Court of Appeals Case No. 15CA1450**

**Petitioner:**

Michael Dean Pfifer,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC266, Court of Appeals Case No. 14CA1727**

**Petitioner:**

Alina Raffa,

v.

**Respondents:**

Henry B. Clark; Fitz Apartments; Fitz 46 LLLP, a Colorado liability limited partnership;  
and Loeva Joanne Southard-Osorto.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC267, Court of Appeals Case No. 14CA1992**

**Petitioner:**

Ezequiel Dominguez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC274, Court of Appeals Case No. 15CA1089**

**Petitioner:**

Corey Lee Handy,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC300, Court of Appeals Case No. 11CA1851**

**Petitioner:**

T. Lawton Roberts,

v.

**Respondents:**

Laura A. Newman, LLC d/b/a Herb's and d/b/a Herb's Jazz & Blues; Holly Morrison, individually; Laura A. Newman, individually; and L H LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC321, Court of Appeals Case No. 14CA2221**

**Petitioner:**

Christopher John Maher,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC324, Court of Appeals Case No. 14CA1138**

**Petitioner:**

Johnny Manuel Valdez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC354, Court of Appeals Case No. 14CA766**

**Petitioner:**

Carl Lee Griego,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 17SC360, Court of Appeals Case No. 15CA174**

**Petitioner:**

Jerome C. Gilbert,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC361, Court of Appeals Case No. 15CA1971**

**Petitioner:**

Jason Benjamin Reynolds,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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***COLORADO SUPREME COURT CASE ANNOUNCEMENTS***

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**No. 17SC382, Court of Appeals Case No. 16CA920**

**Petitioners:**

Arthur Keith Whitelaw, III; John Derungs; Katherine K. Mccrimmon; Laura Pitmon; Denise Sigon, f/k/a Denise L. Sager; Alan Singer; and Rita Singer;

v.

**Respondents:**

Denver City Council, including the individual Council Members in their official capacity: Albus Brooks, Charlie Brown, Jeanne Faatz, Christopher Herndon, Robin Kniech, Peggy Lehmann, Paul Lopez, Judy H. Montero, Chris Nevitt, Debbie Ortega, Jeanne Robb, Susan Shepherd, Mary Beth Susman; Manager of Community Planning and Development, Brad Buchanan, in his official capacity; Denver Planning Board including the individual Board members in their official capacity, Andy Baldyga, Jim Bershof, Shannon Gifford, Renee Martinez-Stone, Brittany Morris Saunders, Joel Noble, Susan Pearce, Arleen Taniwaki, Julie Underdahl, Frank Schultz, and Chris Smith; City and County of Denver; and Cedar Metropolitan LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC411, Court of Appeals Case No. 14CA872**

**Petitioner:**

Kent Evan Privette,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC422, Court of Appeals Case No. 16CA1570**

**Petitioner:**

Anthony J. Lucero,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado, Wyndham Hotel & Resorts, and Zurich North America Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC424, Court of Appeals Case No. 14CA1171**

**Petitioner:**

Stephen Paul Apodaca,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC436, Court of Appeals Case No. 16CA1556**

**Petitioner:**

Jeckonias N. Muragara,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado, Sears Holdings d/b/a Sears Roebuck & Company, and Ace American Insurance.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC437, Court of Appeals Case No. 16CA1244**

**Petitioner:**

Michael Gibson,

v.

**Respondent:**

Michelle Clare.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC438, Court of Appeals Case No. 15CA646**

**Petitioner:**

Dexter L. Disnue,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC439, Court of Appeals Case No. 16CA928**

**Petitioner:**

Steven James Garcia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC440, Court of Appeals Case No. 15CA1265**

**Petitioner:**

Adam Lee Jones,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC442, Court of Appeals Case No. 16CA3**

**Petitioner:**

Michael George McKeon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 17SC445, Court of Appeals Case No. 13CA821**

**Petitioner:**

Edward Timothy Romero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC446, Court of Appeals Case No. 15CA1424**

**Petitioner:**

Chad J. Farrells,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE MÁRQUEZ does not participate.

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**No. 17SC449, Court of Appeals Case No. 13CA1553**

**Petitioner:**

Stephen Angelo Montano,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC456, Court of Appeals Case No. 16CA1174**

**Petitioner:**

Daniel L. Denny,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC463, Court of Appeals Case No. 16CA357**

**Petitioner:**

Rita Lewis,

v.

**Respondent:**

Denise Phillips.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC467, Court of Appeals Case No. 15CA208**

**Petitioner:**

Daniel M. Bessey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC474, Court of Appeals Case No. 15CA2030**

**Petitioner:**

Nicole Marie Armendariz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC479, Court of Appeals Case No. 15CA1682**

**Petitioner:**

Janet Marie Nielson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC485, Court of Appeals Case No. 16CA535**

**Petitioner:**

Alexis R. Ortiz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC487, Court of Appeals Case No. 14CA1053**

**Petitioner:**

Xavier Sebastian McDaniel,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC491, Court of Appeals Case No. 17CA299**

**Petitioner:**

Yvette M. Kelley,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado and Walmart Associates, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC498, Court of Appeals Case No. 16CA33**

**Petitioner:**

Colin Lucas McGuire,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC499, Court of Appeals Case No. 14CA1227**

**Petitioner:**

Nicholas Allen Pierce,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 17SC624, Court of Appeals Case No. 16CA1921**

**Petitioner:**

L.T.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of Minor Children: A.W.-T., P.J.W., and J.L.W

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 17SC647, Court of Appeals Case No. 17CA552**

**Petitioner:**

J.C.,

v.

**Respondent:**

The People of the State of Colorado,

In the Interest of Minor Child: J.C. II.

Petition for Writ of Certiorari DENIED. EN BANC.

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