

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 30, 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.

OPINIONS

[2017 CO 100](#)

[Supreme Court Case No. 17SA49](#)

Interlocutory Appeal from the District Court
Arapahoe County District Court Nos. 16CR87 & 16CR419
Honorable Phillip L. Douglass, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

James Ashley Sampson.

Order Reversed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

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[2017 CO 101](#)

[Supreme Court Case No. 16SA332](#)

Original Proceeding in Discipline

Appeal from the Presiding Disciplinary Judge 16PDJ031

In the Matter of Philip M. Kleinsmith

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

JUSTICE EID dissents, and **JUSTICE COATS** joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 17SA247, In re Gadeco v. Grynberg
Arapahoe County District Court Case No. 16CV30959
Order to Show Cause issued on October 16, 2017

No. 17SA255, In re Leal v. Farell
District Court, City and County of Denver, Case No. 17CV30426
Order to Show Cause issued on October 23, 2017

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC195, El Paso County District Court Case No. 16CV32107

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Rodolfo Lozano-Ruiz.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the district court erred in holding that omitting the definition of “sexual penetration” from the jury instructions contributed to the conviction and therefore constituted reversible plain error.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC284, Court of Appeals Case No. 16CA267

Petitioners:

Alliance for a Safe and Independent Woodmen Hills and Sarah Brittain Jack,
v.

Respondent:

Campaign Integrity Watchdog, LLC.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in holding that the “violation” triggering the statute of limitations for campaign-finance enforcement actions could extend beyond the dates adjudicated and penalized in the decision being enforced.

[REFRAMED] Whether the court of appeals erred in applying section 13-17-102(6), C.R.S. (2017), to the attorneys’ fees provision of section 9 of article XXVIII of the Colorado Constitution.

DENIED AS TO ALL OTHER ISSUES.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 14SC418, Court of Appeals Case No. 13CA750

Petitioner:

Jeramiah Nathaniel Houston,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 14SC490, Court of Appeals Case No. 13CA2029

Petitioner:

Jerry Lee Greene,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 14SC871, Court of Appeals Case No. 14CA769

Petitioner:

Eunasy McCain,

v.

Respondent:

The People of the State of Colorado.

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

No. 15SC839, Court of Appeals Case No. 14CA708

Petitioner:

Sylvester Anthony Berumen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC93, Court of Appeals Case No. 14CA2187

Petitioner:

Christopher Allen Major,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC104, Court of Appeals Case No. 15CA1151

Petitioner/Cross-Respondent:

Blake Street Bath & Racquet Club Condominium Association, Inc.,

v.

Respondent/Cross-Petitioner:

1732 Blake Street, LLC.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC105, Court of Appeals Case No. 11CA1182

Petitioner:

Peter Wilson Sund Bellar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC165, Court of Appeals Case No. 14CA384

Petitioner:

John Dozie Salazar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC201, Court of Appeals Case No. 14CA332

Petitioner:

Cody Lynn DeBorde,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC204, Court of Appeals Case No. 13CA2377

Petitioner:

Leon Roy Ewing,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

Case No. 17SC219, Court of Appeals Case No. 15CA14

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

A.N.

Petition for Writ of Certiorari DENIED. EN BANC

Case No. 17SC224, Court of Appeals Case No. 13CA2384

Petitioner:

Timothy Paul Beeson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

Case No. 17SC353, Court of Appeals Case No. 14CA1030

Petitioner:

Anton Jose Valdez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC

No. 17SC367, Court of Appeals Case No. 14CA1707

Petitioner:

Victoria P. Solomon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC391, Court of Appeals Case No. 15C1850

Petitioner:

Albert Lee Alvarez-Guzman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC421, Court of Appeals Case Nos. 15CA1574 & 16CA288

Petitioners:

Tania LaBrenz & Lindsey Sullivan, personal representatives of the Estate of Dr. J. Bradley Gibson on behalf of themselves and all others similarly situated,

v.

Respondent:

American Family Mutual Insurance Co., a Wisconsin corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC426, Court of Appeals Case No. 16CA832

Petitioner:

Colorado Citizens Against ToxicWaste, Inc.,

v.

Respondents:

Dr. Larry Wolk, in his official capacity as Executive Director of the Colorado Department of Public Health and Environment; Dr. Jennifer Opila, in her official capacity as the person issuing a license on behalf of the Colorado Department of Public Health and Environment; and the Colorado Department of Public Health and Environment,
and

Intervenor-Respondent:

Cotter Corporation.

Petition for Writ of Certiorari DENIED. EN BANC

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC484, Court of Appeals Case No. 16CA998

Petitioner:

Barbara J. Turner,

v.

Respondents:

City of Boulder, Board of Zoning Adjustments; Suraj Man Shrestha; Countryside Village Associates, a Boulder LP; and Mike Slyker.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC470, Court of Appeals Case No. 16CA1388

Petitioners:

Pueblo County and County Technical Services, Inc.,

v.

Respondents:

Industrial Claim Appeals Office and Mary Rodriguez.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC494, Court of Appeals Case No. 13CA1092

Petitioner:

Jose Morales-Guevara,

v.

Respondent:

Claire A. Koren.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC529, Court of Appeals Case No. 14CA2268

Petitioner:

Mario Anaya Lozano,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC530, Court of Appeals Case No. 16CA1123

Petitioner:

Sensible Housing Co., Inc.,

v.

Respondent:

Battle North, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC693, Court of Appeals Case No. 17CA119

Petitioner:

J.W.

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: J.W., M.W. and J.W. Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC697, Court of Appeals Case No. 17CA14

Petitioner:

L.A.K.

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child: C.E.B.-K.

Petition for Writ of Certiorari DENIED. EN BANC.
