

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 17, 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 23](#)

[Supreme Court Case No. 15SC1089](#)

*Certiorari to the Colorado Court of Appeals
Court of Appeals Case Nos. 14CA63 and 14CA797*

Petitioners/Cross-Respondents:

Forest City Stapleton Inc., a Colorado Corporation and FC Stapleton II, LLC, a Colorado
limited liability company,

v.

Respondent/Cross-Petitioner:

Tad S. Rogers.

Judgment Reversed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 24](#)

[Supreme Court Case No. 15SA291](#)

Interlocutory Appeal from the District Court
Arapahoe County District Court Case No. 15CR1230
Honorable Frederick T. Martinez, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Oliver Benton Hyde.

Order Reversed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

JUSTICE EID concurs in the judgment, and CHIEF JUSTICE RICE and JUSTICE COATS join in the concurrence in the judgment.

[2017 CO 25](#)

[Supreme Court Case No. 15SA330](#)

Interlocutory Appeal from the District Court
Arapahoe County District Court Case No. 15CR212
Honorable F. Stephen Collins, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

William Paul Simpson.

Order Reversed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

JUSTICE EID concurs in the judgment, and CHIEF JUSTICE RICE and JUSTICE COATS join in the concurrence in the judgment.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2017 CO 26

Supreme Court Case No. 15SC340

Certiorari to the District Court

Arapahoe County District Court Case No. 14CV31801

Petitioner:

Daniel Fitzgerald,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

JUSTICE EID concurs in the judgment, and **CHIEF JUSTICE RICE** and **JUSTICE COATS** join in the concurrence in the judgment.

2017 CO 27

Supreme Court Case No. 16SA324

Original Proceeding Pursuant to C.A.R. 21

Boulder County District Court Case No. 16CV30545

Honorable Norma A. Sierra, Judge

In Re

Plaintiff:

Clean Energy Collective LLC, a Colorado limited liability company,

v.

Defendants:

Borrego Solar Systems, Inc., a California corporation; and 1115 Solar Development, LLC, a Delaware limited liability company.

Rule Made Absolute

en banc

JUSTICE HOOD delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

CERTIFICATION OF QUESTION OF LAW PURSUANT TO C.A.R. 21.1

No. 17SA64, In re Renfandt v. New York Life Insurance Company
United States District Court for the District of Colorado Case No. 16CV01812-MSK-GPG
Question ACCEPTED on April 13, 2017

CERTIORARI DENIED AS IMPROVIDENTLY GRANTED

No. 15SC677, Court of Appeals Case No. 14CA2172

Petitioner:

The People of the State of Colorado
In the Interest of C.G.,

v.

and concerning

Respondent:

J.N.

JUSTICE BOATRIGHT does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC678, Arapahoe County District Court Case No. 15CV30734

Petitioner:

Brittany Dawn Buchholz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the district court erred and departed from People v. Stewart, 55 P.3d 107 (Colo. 2002) and Colorado Rule of Evidence 702 when it found that all testimony offered by a police officer was lay witness testimony that did not require the officer to be qualified and tendered as an expert.

No. 16SC906, Court of Appeals Case No. 15CA990

In re the Marriage of

Petitioner:

Mandy Rooks,

and

Respondent:

Drake Rooks.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether, in the absence of an agreement between the parties, the court of appeals erred in its adoption of the balancing of interests approach to determine the disposition of the parties' cryogenically frozen pre-embryos in a dissolution of marriage.

[REFRAMED] Whether the court of appeals erred in applying an abuse of discretion standard of review in reviewing the trial court's determination of the disposition of a couple's cryogenically frozen pre-embryos in a dissolution of marriage.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC376, Court of Appeals Case No. 13CA296

Petitioner:

Edgar Godinez-Solis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC496, Court of Appeals Case No. 13CA484

Petitioner:

Janel Montoya,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC759, Court of Appeals Case No. 15CA920

Petitioner:

Norman B. Beecher,

v.

Respondents:

Lee Curtis Dimick and Westland Chiropractic Center PC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC761, Court of Appeals Case No. 14CA287

Petitioner:

Jerome Allen Snyder, II,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC823, Court of Appeals Case No. 14CA2006

Petitioners:

Leland Sharon and Joyce Jones as Co-Special Administrators of the Estate of James Edmond Sharon,

v.

Respondents:

SSC Pueblo Belmont Operating Company, LLC, d/b/a Belmont Lodge Health Care Center, a Delaware limited liability company; SavaSeniorCare Administrative Services LLC, a Delaware limited liability company; and SavaSeniorCare Consulting LLC, a Delaware limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC872, Court of Appeals Case No. 14CA2468

Petitioner:

Arion Bank HF,

v.

Respondents:

SHD Acquisition LLC; Sleep Holdings, LLC; Bogi Palsson; and David Baker.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE GABRIEL does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC967, Court of Appeals Case No. 13CA63

Petitioner:

Kelli Lynn Murphy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ and JUSTICE HOOD would grant as to the following issue:

Whether the trial court violated the defendant's Fifth Amendment right to be free from compelled self-incrimination when it permitted the prosecution to use as substantive evidence of guilt the defendant's non-custodial, but express invocations of her Fifth Amendment privilege, which she asserted in response to a 911 police dispatcher's incriminating questions.

JUSTICE HOOD would grant as to the following issue:

Whether a person involved in a crime validly invokes her Fifth Amendment privilege to be free from self-incrimination when she repeatedly and affirmatively invokes the privilege in response to incriminating questions from a government employee, who is not a police officer, but is rather a 911 police dispatcher sharing information with the police in real time and recording the conversation.

No. 17SC3, Court of Appeals Case No. 15CA1117

Petitioner:

Bruce N. Kowkabany, a Colorado resident, d/b/a Core Technologies, Inc.,

v.

Respondents:

Laser Tek Services, a North Dakota corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC12, Court of Appeals Case No. 13CA2381

Petitioner:

The People of the State of Colorado,

v.

Respondents:

Julius Sutton.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRIGHT would grant as to the following issues:

Whether the court of appeals correctly held that, in order for flight evidence to be admissible, the evidence must show that the defendant knew a criminal investigation had focused on him personally.

Whether the court of appeals should have deferred to the trial court's finding that the defendant's attempt to sell firearms would not have prejudiced him in the place of trial in western Colorado.

No. 17SC22, Court of Appeals Case No. 15CA829

In re the Marriage of

Petitioner:

Mary Vlaar

and

Respondent:

Hans Vlaar.

Petition for Writ of Certiorari DENIED. EN BANC.
