

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JUNE 26, 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 77](#)

[Supreme Court Case No. 16SC361](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA83

Petitioners:

Executive Director of the Colorado Department of Corrections and Warden for the Buena Vista Correctional Facility,

v.

Respondent:

Raymond Lee Fetzer.

Judgment Affirmed in Part and Reversed in Part
en banc

JUSTICE COATS delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 78](#)

[Supreme Court Case No. 16SC596](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 15CA966

Petitioner:

Mesa County Public Library District,

v.

Respondents:

Industrial Claim Appeals Office and Laurie A. Gomez.

Judgment Affirmed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

JUSTICE COATS dissents.

JUSTICE HOOD does not participate.

[2017 CO 79](#)

[Supreme Court Case No. 16SC388](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 14CA2494

Petitioners:

N.M., a minor child, by and through his mother and next friend, Maria Lopez; and Maria Lopez, individually,

v.

Respondent:

Alexander S. Trujillo.

Judgment Affirmed

en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 17SA134, In Re Tumpkin v. The Broomfield County Court
Adams County District Court, City and County of Broomfield, Case No. 17CV30094
Order to Show Cause issued on June 19, 2017

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC460, Court of Appeals Case No. 12CA1822

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Jeffrey Allen Foos.

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. Opana, 14SC820, 2017 CO 56. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC802, Court of Appeals Case No. 12CA1385

Petitioner:

Stanley Howard Olsen,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED as to the following issue:

Whether, in light of Venalonzo v. People, court of appeals erred when it concluded that a police officer's specialized knowledge about victim behaviors was properly admitted under CRE 701.

DENIED AS TO ALL OTHER ISSUES.

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 Venalonzo v. People, 11SC878, 2017 CO 9. EN BANC.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC2, Court of Appeals Case No. 14CA2423

Petitioner:

Guarantee Trust Life Insurance Company, an Illinois corporation,

v.

Respondent:

The Estate of Michael Dean Casper, by and through Nick Casper, personal representative.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the survival statute, section 13-20-101, C.R.S. (2016), limits the damages recoverable when the plaintiff dies three months before the court enters judgment but nine days after the jury enters its verdict.

Whether a judgment rendered after the plaintiff's death can be entered nunc pro tunc to a date before death, when the amount of attorney fees and costs to be awarded as damages under section 10-3-1116, C.R.S. (2016) was not determined until after death.

Whether attorney fees and costs awarded under section 10-3-1116, C.R.S. (2016) constitute "actual damages" to be counted when calculating punitive damages under section 13-21-102, C.R.S. (2016).

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC705, Court of Appeals Case No. 13CA32

Petitioner/Cross-Respondent:

Jonathan Ray McFee,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC743, Court of Appeals Case No. 07CA2322

Petitioner:

Jerad Allen Pickering,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC817, Court of Appeals Case No. 15CA1177

Petitioner:

Donald Ray Shores,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC875, Court of Appeals Case No. 15CA72

Petitioner:

Daniel Kliem,

v.

Respondent:

Naema Alhilo.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC10, Court of Appeals Case No. 13CA2114

Petitioner:

Timothy William Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC58, Court of Appeals Case No. 13CA1712

Petitioner:

Justin Daniel Green,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC82, Court of Appeals Case No. 15CA598

Petitioners:

Life Time Fitness, Inc., a Minnesota corporation doing business in the State of Colorado as Life Time Fitness; Life Time Fitness Foundation; and LTF Club Operations Company, Inc.,

v.

Respondent:

Wendy Jane Stone.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC90, Court of Appeals Case No. 14CA1321

Petitioner/Cross-Respondent:

Hawg Tools, LLC,

v.

Respondent/Cross-Petitioner:

Newsco International Energy Services, Inc., a/k/a Newsco International Energy Services, USA, Inc., a/k/a Newsco Directional & Horizontal Services, Inc., a/k/a Newsco USA, Inc. and Joe Ficken.

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

No. 17SC114, Court of Appeals Case No. 16CA856

Petitioner:

Western Logistics, Inc. d/b/a Diligent Delivery Systems,

v.

Respondents:

Division of Unemployment Insurance, Employer Services - Integrity/Employer Audits and Industrial Claim Appeals Office of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC118, Court of Appeals Case No. 15CA1097

Petitioner:

Federico Armenta,

v.

Respondent:

The People of the State of Colorado.

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

No. 17SC121, Court of Appeals Case No. 15CA813

Petitioner:

Randy Scott Phipps,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC124, Court of Appeals Case No. 16CA171

Petitioner:

Jennie Kraemer,

v.

Respondents:

Fox Hills Owners Association, Inc., and Nash, Spindler, Grimstad & McCracken, LLP.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC155, Court of Appeals Case No. 14CA1024

Petitioner:

Sandra Barajas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC169, Montezuma County District Court Case No. 16CV30020

Petitioner:

Rodney Segó,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC173, Court of Appeals Case No. 16CA699

Petitioner:

Courtney Gordon,

v.

Respondent:

Bimbo Bakeries USA, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC178, Court of Appeals Case No. 16CA1036

Petitioner:

Brian Josue,

v.

Respondents:

Industrial Claim Appeals Office; Anheuser-Busch, Inc.; and ACE American Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC181, Court of Appeals Case No. 14CA1599

Petitioner:

Joseph Xavier Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC186, Court of Appeals Case No. 15CA172

Petitioner:

Zachary Keith Swisher,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC189, La Plata County District Court Case No. 16CV30122

Petitioner:

Butch Lawrence,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC199, Court of Appeals Case No. 15CA707

Petitioner:

Melvin Bompreszi,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC205, Court of Appeals Case No. 15CA1442

Petitioner:

Shawn P. Domenech,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC207, Court of Appeals Case No. 15CA476

Petitioner:

Lonnie Lee Unruh,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC210, District Court, City and County of Denver, Case No. 17CV30034

Petitioner:

Joshua Adams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC211, District Court, City and County of Denver, Case No. 15CV528

Petitioner:

Anthony Pfaff,

v.

Respondent:

People of the City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC213, Court of Appeals Case No. 16CA187

Petitioner:

David Donis, Sr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC214, Court of Appeals Case No. 15CA192

Petitioner:

Teddy Allen Runyon, Jr.,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC217, Court of Appeals Case No. 15CA378

Petitioner:

Troy Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC223, Court of Appeals Case No. 15CA1740

Petitioner:

David Kenneth Bunn,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC227, Court of Appeals Case No. 15CA560

Petitioner:

William A. Budde,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC229, Court of Appeals Case No. 15CA1598

Petitioner:

Shawne Alexander Toney,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC231, Court of Appeals Case No. 14CA2413

Petitioner:

James Sardakowski,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC233, Court of Appeals Case No. 16CA405

Petitioner:

Angelo Benzor,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 17SC237, Court of Appeals Case No. 15CA135

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

O.M., Jr.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC260, Court of Appeals Case No. 16CA21

Petitioner:

Jason Uecker,

v.

Respondents:

Division of Reclamation, Mining and Safety and Mined Land Reclamation Board.

Petition for Writ of Certiorari DENIED. EN BANC.
