

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, SEPTEMBER 11, 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 83](#)

[Supreme Court Case No. 16SC224](#)

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 14CA2401

Petitioners:

Ravenstar, LLC, a Colorado limited liability company; The Chips, LLC, a Colorado limited liability company; Let-R-Buck, LLC, a Colorado limited liability company; A Rockin Place to Ski, LLC, d/b/a One Rockin Place to Ski, LLC, a Colorado limited liability company; and Rockin OSHP, LLC, a Colorado limited liability company,

v.

Respondent:

One Ski Hill Place, LLC, a Colorado limited liability company.

Judgment Affirmed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 84](#)

[Supreme Court Case No. 14SC699](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 11CA1936

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Priscilla Ann Rock.

Judgment Affirmed

en banc

JUSTICE COATS delivered the Opinion of the Court.

[2017 CO 85](#)

[Supreme Court Case No. 16SA230](#)

Original Proceeding Pursuant to C.A.R. 21
Denver County District Court Case No. 16CV31574
Honorable Elizabeth A. Starrs, Judge

In Re

Petitioner:

Ryan Frazier,

v.

Respondent:

Wayne W. Williams, in his official capacity as Colorado Secretary of State.

Rule Made Absolute

en banc

JUSTICE EID delivered the Opinion of the Court.

JUSTICE GABRIEL dissents, and JUSTICE HOOD joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 86](#)

[Supreme Court Case No. 16SC145](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA2063

Petitioner:

Wayne Williams, in his official capacity as Colorado Secretary of State,
v.

Respondents:

Libertarian Party of Colorado and Gordon Roy Butt.

Judgment Reversed

en banc

JUSTICE EID delivered the Opinion of the Court.

JUSTICE GABRIEL dissents, and JUSTICE HOOD joins in the dissent.

[2017 CO 87](#)

[Supreme Court Case No. 15SC596](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA1063

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Gilbert Arturo Naranjo.

Judgment Reversed

en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 88](#)

[Supreme Court Case No. 13SC438](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA738

Petitioner:

Jamey Robert Page,

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.

JUSTICE GABRIEL does not participate.

[2017 CO 89](#)

[Supreme Court Case No. 14SC49](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 11CA1460

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Bradley Raymond Clemens.

Judgment Reversed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.

JUSTICE HOOD dissents, and JUSTICE MÁRQUEZ and JUSTICE GABRIEL join in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC916, Court of Appeals Case No. 15CA964

Petitioners:

Rosalin Rogers and Mark L. Thompson,

v.

Respondent:

Catlin Insurance Company (UK) Ltd.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in concluding that the district court, in considering additional evidence on remand, did not act beyond the scope of a remand order instructing the court to review “the existing record.”

[REFRAMED] Whether the court of appeals erred in concluding that there is no legal basis for awarding prejudgment interest in a garnishment proceeding.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC200, Court of Appeals Case No. 16CA249

Petitioner/Cross-Respondent:

Colorado Department of Labor and Employment, Division of Workers' Compensation,
v.

Respondents/Cross-Petitioners:

Dami Hospitality, LLC, and Industrial Claim Appeals Office of the State of Colorado.

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

JUSTICE HOOD does not participate.

[REFRAMED] Whether the protections of the Excessive Fines Clause of the Eighth
Amendment apply to corporations.

[REFRAMED] Whether the court of appeals applied the correct test to determine the
constitutionality of a civil fine.

[REFRAMED] Whether the court of appeals reasonably concluded that the fine at issue
violated the Eighth Amendment.

DENIED AS TO ALL OTHER ISSUES.

No. 17SC406, Boulder County District Court Case No. 17CV3006

Petitioner:

Megan Maya Parocha,
v.

Respondent:

Richard Francis Saga Parocha.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the county court's exercise of personal jurisdiction to enter a
civil protection order under section 13-14-106, C.R.S. (2016), was proper.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 15SC780, Garfield County District Court Case No. 14CV32

Petitioner:

Sheri LaFond,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC244, Court of Appeals Case No. 14CA85

Petitioner:

Anthony Robert Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC251, Court of Appeals Case No. 12CA1419

Petitioner:

Melinda Ann Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC877, Court of Appeals Case No. 15CA765

Petitioners/Cross-Respondents:

Sand Hills Metropolitan District f/k/a Altamira Metropolitan District No. 6 and United Water and Sanitation District,

v.

Respondents/Cross-Petitioners:

Bill Barrett Corporation and Bonanza Creek Energy, Inc.,

Respondent:

Noble Energy, Inc.

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

No. 17SC45, Court of Appeals Case No. 13CA2233

Petitioner:

Daniel Joel Wolf,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC76, Court of Appeals Case No. 16CA88

In re the Marriage of

Petitioner:

David E. Buesgens,
and

Respondent:

Lisa M. Buesgens.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC101, Court of Appeals Case No. 13CA1878

Petitioner:

Ricky Carl Carpenter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC102, Court of Appeals Case No. 13CA1879

Petitioner:

Ricky Carl Carpenter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC276, Pueblo County District Court Case No. 16CV30684

Petitioner:

Edward Gonzales,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC280, Court of Appeals Case No. 14CA905

Petitioner:

Roy A. Melanson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC301, Court of Appeals Case No. 16CA150

Petitioner:

Shannon Duncan,

v.

Respondent:

Edwin Kobneck.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC303, Court of Appeals Case No. 14CA922

Petitioner:

Alfonso C. Vigil,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC304, Court of Appeals Case No. 16CA397

Petitioner:

Anthony Lucero,

v.

Respondents:

Paul Gordon and Paul Gordon, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC316, Court of Appeals Case No. 14CA1055

Petitioner:

David Angel Torres,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC328, Court of Appeals Case No. 16CA763

Petitioner:

Richard Blakesley,

v.

Respondents:

BT Construction Inc., a Colorado corporation; Denver Transit Partners, LLC; Denver Transit Constructors, LLC, a Delaware limited liability company; Joe Barger; Louis Sanguinette; and Ernesto Ibarra.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC332, Court of Appeals Case No. 14CA1704

Petitioner:

Michael Ryan Lang,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC335, Court of Appeals Case No. 16CA1819

Petitioner:

Jeffrey S. Baker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC341, Court of Appeals Case No. 15CA505

Petitioner:

John Lee Samuel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC357, Court of Appeals Case No. 16CA434

Petitioner:

Timothy P. Hawkins,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC359, Court of Appeals Case No. 15CA984

Petitioner:

Lorenzo Leon Estrada,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC369, Court of Appeals Case No. 15CA455

Petitioner:

Andres Marquez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC375, District Court, City and County of Denver, Case No. 16CV131

Petitioner:

Joshua Kilvington,
v.

Respondent:

Echelon Property Group, LLC.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC377, Court of Appeals Case No. 15CA888

Petitioner:

Alexander Christian Greer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC378, Court of Appeals Case No. 15CA810

Petitioner:

David Daniel Steinle,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC381, Court of Appeals Case No. 14CA964

Petitioner:

Shari Ann Williams,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC384, Court of Appeals Case No. 16CA2228

Petitioner:

Ryan S. Barrie,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC385, Court of Appeals Case No. 15CA1557

In re: The Estate of Arlen E. Owens, deceased

Petitioner:

Angela Dominguez,

v.

Respondent:

David Owens.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS would grant as to the following issues:

[REFRAMED] Whether the court of appeals division erred by conflating subject matter jurisdiction and standing when it determined that the decedent's heir and personal representative had standing to challenge certain non-probate transfers.

[REFRAMED] Whether the district court erred in upholding decedent's will but setting aside decedent's payable-on-death designations, which were executed during the same time period as the will, on the grounds of undue influence and lack of capacity.

No. 17SC389, Court of Appeals Case No. 16CA527

Petitioner:

Patrick Anthony Grant,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC392, Court of Appeals Case No. 15CA168

Petitioner:

Emma Giray Reynolds,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC395, Court of Appeals Case No. 14CA1180

Petitioner:

Benjamin Michael Poynter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC407, Court of Appeals Case No. 16CA507

Petitioner:

Skyler Gomez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC408, Court of Appeals Case No. 16CA391

Petitioner:

Martin Fox,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC416, Court of Appeals Case No. 15CA102

Petitioner:

Tobias Anthniel Price,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC417, Court of Appeals Case No. 16CA774

Petitioner:

Spencer Brewer,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC428, Court of Appeals Case No. 15CA1927

Petitioner:

Nathan Eric Walsh,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC429, Court of Appeals Case No. 16CA804

Petitioner:

James Jeffrey Britton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC434, Court of Appeals Case No. 15CA864

Petitioner:

Edgar Donald Templeton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC508, Court of Appeals Case No. 16CA1790

Petitioner/Cross-Respondent:

M.O.,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado,

In the Interest of Minor Children: F.Q. and Y.Q.,

and Concerning:

J.Q.

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

No. 17SC536, Court of Appeals Case No. 16CA1491

Petitioner:

J.P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: M.P., P.P. and R.P.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC540, Court of Appeals Case No. 16CA1832

Petitioner:

A.T.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: M.D., L.D-T, O.D-T., A.D-T., E.D-T., T.D-T. and J.D-T.,
and

Respondent:

Z.D.

Petition for Writ of Certiorari DENIED. EN BANC.
