

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, SEPTEMBER 5, 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

NONE

PETITIONS FOR REHEARING

NONE

RULE CHANGE

[RULE CHANGE 2017\(07\)](#)

COLORADO RULES OF CRIMINAL PROCEDURE

Rule 16. Discovery and Procedure Before Trial

Amended and Adopted by the Court, EN BANC, August 24, 2017, effective immediately.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC116, Court of Appeals Case No. 14CA1800

Petitioner:

The People of the State of Colorado,

In the Interest of

Respondent:

R.D.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in determining that the defendant's comments, made on Twitter, were protected by the First Amendment.

DENIED AS TO ALL OTHER ISSUES.

No. 17SC247, Court of Appeals Case No. 16CA416

Petitioner:

Joel Munoz,

v.

Respondent:

American Family Mutual Insurance Company.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether, pursuant to section 10-4-609(4), C.R.S. (2016), an insured is "legally entitled" to prejudgment interest under section 13-21-101(1), C.R.S. (2016) when the insured chooses to settle an uninsured motorist claim with his insurer in lieu of filing a lawsuit and proceeding to judgment.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC250, Court of Appeals Case No. 14CA2167

Petitioner:

Arapahoe County Department of Human Services,

v.

Respondent:

The People of the State of Colorado,

In the Interest of

D.Z.B.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in concluding that petitioner does not have standing to appeal a juvenile court's decision concerning pre-adjudication placement in a delinquency case.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 15SC829, Court of Appeals Case No. 14CA327

Petitioner:

Jeremy Justin Otto,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC108, Court of Appeals Case No. 13CA705

Petitioner:

Hector Abraham Paez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC572, Court of Appeals Case No. 12CA2382

Petitioner:

David Michael Zukowski,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC730, Court of Appeals Case No. 14CA1329

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Robert Louis Ulibarri.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC760, Court of Appeals Case No. 13CA391

Petitioner:

Gregory James Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC835, Court of Appeals Case No. 15CA770

Petitioner:

Zurich American Insurance Company, a New York corporation,

v.

Respondent:

MarkWest Energy Partners, L.P., a Delaware master limited partnership,

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC929, Court of Appeals Case No. 15CA544

In re the Estate of Herman E. Enderson, deceased.

Petitioner:

Keith Enderson,

v.

Respondent:

Larry Enderson.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC930, Court of Appeals Case No. 15CA522

In the Interest of

Herman E. Enderson, Protected Person,

Petitioner:

Keith Enderson,

v.

Respondent:

Larry Enderson, Conservator.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC945, District Court, City and County of Denver, Case No. 15CV34373

Petitioner:

Regina Drexler,

v.

Respondent:

Rachel Brown.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC4, Court of Appeals Case No. 13CA1212

Petitioner:

Michael Earl Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC40, Jefferson County District Court Case No. 15CV31960

Petitioner:

Wilburn Taylor

v.

Respondent:

City of Wheat Ridge by and on behalf of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD would grant as to the following issues:

Whether the municipal court convicted and sentenced Mr. Taylor for criminal contempt in violation of section 18-1.3-702, C.R.S. (2016).

Whether the municipal court convicted and sentenced Mr. Taylor in violation of due process and equal protection of the law.

Whether the municipal court improperly engaged in plea negotiations.

Whether the municipal court convicted and sentenced Mr. Taylor in violation of Colorado's constitutional prohibition against imprisonment for debt.

No. 17SC86, Court of Appeals Case No. 14CA1927

Petitioner:

George Edward Burse,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC141, District Court, City and County of Denver, Case No. 15CV30697

Petitioner:

Nathaniel Estes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC166, Court of Appeals Case No. 16CA239

Petitioner:

Todd Creek Farms, LLC,

v.

Respondents:

Michael J. Adams, Stephanie Rene Adams, Robert C. Akmenkalns, Sandra L.G. Akmenkalns, Edie M. Apke, Ted H. Apke, Alfred E. Austin, Barbara R. Austin, Mark S. Bella, Linda S. Holm, Marilee Bergstrom, Robert C. Bergstrom, Brian Boeyink, Tareesa Boeyink, Paula S. Boswell, Donna Herrick, Jeffrey R. Bratcher, Dawn M. Bratcher, Gerard J. Brienza, Mariuccia Brienza, Cheryl L. Brock, Rodney L. Brock, Kristopher T. Brunson, Shannon I. Brunson, Melissa W. Bruxvoort, Ryan Bruxvoort, Troy T. Cunningham, Michael L. Dwyer, Julie A. Dwyer, Daniel Eisenhauer, Dona Eisenhauer, Anthony Dale Ritchie, Sondra Ritchie, Paul J. Harris, Karen R. Harris, Susan K. Harris, James McCulley, Heather L. Henkel, Justin L. Henkel, Kevin Hergert, Anne Hergert, Blane Hicks, Connie D. Hicks, Steven Jarvis, Cynthia Jarvis, Larry P. Jonas, Jannelle K. Jonas, Charles M. Littler, Mary J. Littler, Patrick J. Mackendrick, Cecile M. Mackendrick, Marina R. Mackintosh, Austin Mackintosh, Mary Jean Marquez, Christopher Maxwell, Edda Maxwell, Lynn A. McBride, John S. McDuff, Cathryn E. McDuff, Brandon McLaughlin, Christin McLaughlin, Matthew J. Motisi, Denise L. Motisi, Matthew J. Nicholas, Sheila M. Wiese, Terry L. Owen, Linda M. Owen, Allen Parrent, Judy Parrent, Anthony C. Pfeifer, Judith A. Pfeifer, Angela A. Richard, Brian M. Richard, Holly Richard, Erik C. Richard, Leslie A. Rock, Anitra Rock, Ronnie L. Sanders, Donna R. Sanders, Thomas R. Schad, Robin L. Schad, Robert R. Schneider, Patricia M. Cline, Anthony W. Schoeninger, Constance L. Schoeninger, Mark E. Schwarz, Jill M. Schwarz, Scott Lane Swetkovich, Denise Marie Swetkovich, Karrey L. Terry, Don C. Terry, Jackson Living Trust, Aaron L. Todd, Susan R. Todd, Brian Uchida, Scott A. Wilson, Kathryn Witzeman, Ronald L. Wilson, Julia A. Wilson, Betty J. Burkey, Todd Creek Village Homeowners Association, Meshea Danner, Ely Danner, Mitchell Scott Archer, L. Sharon Renee Sandoval, Terry F. Forde, Loree M. Forde, Diane Kamidoi, Richard P. Lane, Dianna B. Lane, Cheryl A. Watson, and Gregory D. Watson.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC220, Court of Appeals Case No. 14CA2432

Petitioner:

Kevin Martin Montgomery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC240, Jefferson County District Court Case No. 16CV31055

Petitioner:

Jennifer Foxworth,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC242, Court of Appeals Case No. 15CA48

Petitioner:

Marvin Joel Rosario-Lopez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC277, Court of Appeals Case No. 15CA232

Petitioner:

James Mercedes Fennell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC281, Court of Appeals Case No. 15CA162

Petitioner:

Dustin E. McDaniel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC310, Jefferson County District Court Case No. 15CV31583

Petitioner:

Taishawn King,

v.

Respondent:

City of Lakewood.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC342, Court of Appeals Case No. 16CA673

Petitioners:

Dos Rios Partners,

v.

Respondents:

NBH Capital Finance, a division of NBH Bank, N.A.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC351, Court of Appeals Case No. 16CA101

Petitioner:

R.G. Brinkmann Company d/b/a Brinkmann Constructors, a Missouri corporation,
v.

Respondents:

Broomfield Senior Living Owner, LLC, a Delaware limited liability company; and
Sunrise Development, Inc., a Virginia corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID would grant as to the following issues:

Whether the court of appeals erred by ignoring the intent of the Homeowner Protection Act (i.e. the protection of homeowners) and finding that sophisticated commercial owners of projects with residential uses may take advantage of the statute to avoid being bound by contractual language upon which they insisted in arms-length negotiations.

Whether the court of appeals erred in finding that the accrual period agreed to in the parties' commercial contract violates the Homeowner Protection Act's prohibition against limitations on the ability to enforce rights "within the time provided by applicable statutes of limitation."

Whether, where sophisticated commercial entities mutually agree to an accrual period different than that set forth in statute, the contractual expectations of those sophisticated entities should be ignored merely because their contract relates to a construction project that includes residential uses.

No. 17SC356, Larimer County District Court Case No. 16CV30429

Petitioner:

Kirk Wynn,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC363, Court of Appeals Case No. 15CA1352

Petitioner:

Jimmy Aruther Perez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC364, Court of Appeals Case No. 16CA681

Petitioner:

D. D.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of minor child: S.D.

and Concerning:

L.D.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC387, Court of Appeals Case No. 13CA2272

Petitioner:

Faustino Cervantes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
