

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, APRIL 23, 2018**

"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

[2018 CO 29](#)

[Supreme Court Case No. 16SC639](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA582

Petitioners:

TABOR Foundation, a Colorado non-profit corporation; and Penn Pfiffner,

v.

Respondents:

Regional Transportation District; Lorraine Anderson, Kate Williams, Bonnie Archuleta, Paul Daniel Solano, Barbara Deadwyler, Claudia Folska, Larry Hoy, Bob Broom, Ken Mihalik, Judy Lubow, Natalie Menten, Doug Tisdale, Charles Sisk, Tina Francone, and Jeff Walker, Directors of the Regional Transportation District; Scientific and Cultural Facilities District; Kathy Imel, Damon Barry, Deborah Malden, Dan Hopkins, Rob Johnson, Kendra Black, Peggy Lehmann, Harold Logan Jr., Ann Speer, Lynn Jeffers, and Elaine Torres, Directors of the Scientific and Cultural Facilities District; Colorado Department of Revenue; and Barbara Brohl, Executive Director of the Colorado Department of Revenue.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21

18SA92, In Re Fox v. Alfini, Jr.
Mesa County District Court, 15CV30797
Order to Show Cause issued on April 19, 2018

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC18, Court of Appeals Case No. 14CA2245

Petitioner:

Francis Gayle Buell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the trial court abused its discretion when it granted the prosecution's motion to consolidate petitioner's two cases.

DENIED AS TO ALL OTHER ISSUES.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC222, Court of Appeals Case No. 13CA1413

Petitioner:

Steven C. Thompson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC477, Court of Appeals Case No. 11CA1126

Petitioner:

Frederick L. Martin, III,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 17SC532, Court of Appeals Case No. 14CA1445

Petitioner:

Joseph Wright,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC620, Court of Appeals Case No. 15CA1142

Petitioner:

The People of the State of Colorado

v.

Respondent:

Autumn Renee Hewitt-Hansen.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC664, Court of Appeals Case No. 13CA1580

Petitioner:

Creager Mercantile Company, Inc.,

v.

Respondents:

Colorado Department of Revenue; and Barbara Brohl, in her official capacity as Executive Director of the Colorado Department of Revenue.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC771, Arapahoe County District Court Case No. 16CV31662

Petitioner:

Christopher Kaspar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE BOATRIGHT would grant as to the following issue:

Whether an electronic key fob on a would-be driver's person creates probable cause for arrest under Colorado's DUI statute, which defines driving as being in "actual physical control" of a vehicle.

No. 17SC773, Moffat County District Court Case No. 17CV30028

Petitioner:

Daniel Neal Hays,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC792, Court of Appeals Case No. 15CA1237

Petitioner:

Lacie Dawn Nelson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC816, Pueblo County District Court Case No. 17CV30378

Petitioner:

Gail Barth,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC817, Court of Appeals Case No. 16CA548

Petitioner:

Larry Gordon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS does not participate.

No. 17SC831, Court of Appeals Case No. 15CA2003

Petitioner:

Lennie David Moses,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC832, District Court, City and County of Denver, Case No. 15CV34001

Petitioner:

Jeff Snyder,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC834, Larimer County District Court Case No. 17CV30334

Petitioner:

Pauline Amaniera,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC835, Court of Appeals Case No. 16CA398

Petitioner:

Robert Dustin Weber,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC836, Court of Appeals Case No. 17CA1560

In re the Marriage of

Petitioner:

Luis Rey Martinez-Medina,

and

Respondent:

Jennifer Martinez n/k/a Jennifer Ann Rogers,

and Concerning

Intervenor:

Arapahoe County Department of Human Services.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC841, Jefferson County District Court Case No. 17CV30884

Petitioner:

Wilbur Hulliger,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC842, Court of Appeals Case No. 16CA1518

Petitioner:

Jason M. Sloan,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC844, Court of Appeals Case No. 14CA1229

Petitioner:

Jesus Miguel Loya-Quezada,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC845, Court of Appeals Case No. 16CA942

Petitioner:

William Carl Gantt,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC

No. 17SC852, Court of Appeals Case No. 16CA364

Petitioner:

Doyne R. Hathaway,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC853, El Paso County District Court Nos. 17CV31156 and 17CV31157

Petitioner:

Timothy Archuleta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC861, Adams County District Court No. 17CV33

Petitioner:

Ellen Sakany,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC866, Court of Appeals Case No. 15CA1736

Petitioner:

Shawn Michael Wester,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC869, Court of Appeals Case No. 14CA1176

Petitioner:

Ali Shabazz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC871, Court of Appeals Case No. 15CA294

Petitioner:

Ambrea Shanae Harris,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC872, Court of Appeals No. 16CA390

Petitioner:

Jeffrey Allen Barela,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC873, Court of Appeals No. 15CA1674

Petitioner:

Derrick Fryer-Gordon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC875, Adams County District Court No. 16CV31281

Petitioner:

Kenneth Kubic,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC877, Court of Appeals Case No. 16CA137

Petitioner:

George Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC881, Court of Appeals Case No. 16CA585

Petitioner:

David Charles Wells,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC882, Court of Appeals Case No. 15CA1975

Petitioner:

Vito Joseph Kershaw,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC883, Court of Appeals Case No. 15CA543

Petitioner:

Arthur Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC884, Boulder County District Court No. 17CV30659

Petitioner:

Benjamin Earl Tomb,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC892, Court of Appeals Case No. 16CA1733

Petitioner:

Freddy Aguilera-Zamora,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC895, Court of Appeals No. 15CA645

Petitioner:

Terrelle Ray Batts,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC896, Court of Appeals No. 16CA841

Petitioner:

Brian Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 17SC897, Court of Appeals No. 16CA604

Petitioner:

Emilee Frances Vidimos,

v.

Respondent:

The People of the State of Colorado.

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

No. 17SC898, Court of Appeals No. 16CA1795

In re the Marriage of

Petitioner:

Robert Miles,

and

Respondent:

Shirley Jean Miles.

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

No. 18SC16, Court of Appeals Case No. 16CA2205

Petitioner:

James Medina

v.

Respondents:

Civil Service Commission of the City and County of Denver; City and County of Denver, a Colorado Municipal Corp; and Denver Police Department.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC80, Court of Appeals Case No. 15CA1581

Petitioner:

Ivan Lopez-Banuelos,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC99, Court of Appeals Case No. 16CA2159

Petitioner:

Steven Romero,

v.

Respondent:

Colorado State Department of Human Services.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE RICE and JUSTICE HOOD would grant as to the following issues:

Whether the right against self-incrimination is violated when an adverse inference is drawn against a party, subject to penalties, in an administrative hearing who invokes his Fifth Amendment rights when that party, based upon the same operative facts, is the subject of an active criminal investigation.

Whether the court of appeals erred in determining that whether to draw an adverse inference from a party's invocation of his right against self-incrimination in an administrative proceeding is an ultimate conclusion of fact.

No. 18SC181, Court of Appeals No. 17CA1105

Petitioner:

J.S.,

v.

Respondent:

The People of the State of Colorado,

**In the Interest of Minor Child: Z.B. a/k/a Z.S.,
and Concerning**

D.B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC182, Court of Appeals No. 17CA1196

Petitioner:

A.N.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: A.G., B.G., and I.G

Petition for Writ of Certiorari DENIED. EN BANC.