

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, FEBRUARY 21, 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 11](#)

[Supreme Court Case No. 16SC283](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA1165

Petitioner:

Youngquist Brothers Oil & Gas, Inc.,

v.

Respondents:

Travis Miner and the Industrial Claim Appeals Office of the State of Colorado.

Judgment Reversed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2017 CO 12

Supreme Court Case No. 14SC218

Certiorari to the Court of Appeals
Court of Appeals Case No. 12CA4

Petitioner:

Farouk Nagi,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed
en banc

JUSTICE COATS delivered the Opinion of the Court.
JUSTICE MÁRQUEZ dissents, and JUSTICE HOOD and JUSTICE GABRIEL join in the dissent.

PETITIONS FOR REHEARING

NONE

ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21

No. 17SA32, In re Rains v. Barber

Weld County District Court Case No. 15CV30227

Order to Show Cause issued on February 16, 2017

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC515, Court of Appeals Case No. 14CA1058

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Erin D. Janis.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether an in-custody defendant's waiver of her right to be present at trial must be preceded by a formal advisement and waiver process, even though the record shows that the defendant chose not to be present during the victim's testimony.

[REFRAMED] Whether there is sufficient evidence on the record to determine, under the totality of the circumstances, that the defendant knowingly, intelligently, and voluntarily waived her right to be present during the victim's testimony.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC584, Court of Appeals Case No. 13CA1431

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

April Rose Travis.

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

Whether the eleven-factor balancing test in People v. Brown, 2014 CO 25, 322 P.3d 214, applies when a defendant does not invoke her right to counsel of choice, but rather requests additional time only to decide whether to look for replacement counsel and possibly invoke her right to counsel of choice.

If People v. Brown, 2014 CO 25, 322 P.3d 214, applies in this case, whether reversal is required only if the defendant can show prejudice and that the prejudice could have been cured by a continuance.

Whether the court of appeals erred in concluding that any error in denying the continuance cannot be harmless.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC814, Court of Appeals Case No. 15CA1252

Petitioners:

Colorow Health Care, LLC; QP Health Care Services, LLC d/b/a Vivage Beverly Cole; Travis Young; Beverly Cole; and Michael Rheinhardt;

v.

Respondents:

Amy Fischer and Roger Fischer.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether section 13-64-403, C.R.S. (2016), requires strict or substantial compliance with its provisions.

Whether the absence of bold typeface in the notice provision set forth in section 13-64-403(4), C.R.S. (2016), invalidates an otherwise compliant arbitration agreement under the substantial compliance standard.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC566, Court of Appeals Case No. 13CA1881

Petitioner:

Brian Geoffrey King,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC576, Court of Appeals Case No. 15CA52

Petitioner:

Romaldo Gamabarron, a/k/a Esteban Alfredo Douglas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 16SC659, Court of Appeals Case No. 15CA16

Petitioner:

Rodney A. Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC684, Court of Appeals Case No. 13CA1014

Petitioner:

Christopher Thomas Mainock,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC711, Court of Appeals Case No. 15CA167

Petitioner:

Dwight Daniel Dimes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC716, Court of Appeals Case No. 12CA2033

Petitioner:

Leroy Herman Maestas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC777, El Paso County District Court Case No. 16CV176

Petitioner:

Alexander Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC778, Adams County District Court Case No. 16CV66

Petitioner:

Alexander Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC796, Court of Appeals Case No. 15CA1222

Petitioner:

Ronald Lee Smith,

v.

Respondents:

Dawn Weber and Denver Justice Review Project.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC797, Court of Appeals Case No. 15CA321

Petitioner:

Adrian Enrique Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC810, Court of Appeals Case No. 15CA1569

Petitioner:

Judith Dacumos,

v.

Respondent:

State Farm Fire and Casualty Company.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID does not participate.

No. 16SC825, Boulder County Combined Court - Longmont, Case No. 11M386

Petitioner:

Jimmy Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC850, Court of Appeals Case No. 13CA1298

Petitioner:

Jawad Khouir,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC859, Court of Appeals Case No. 14CA563

Petitioner:

Guillermo Lopez-Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC862, Court of Appeals Case No. 15CA1939

Petitioner:

Gilberto Colmenero,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC871, Court of Appeals Case No. 14CA2488

Petitioner:

Demond Thornton Hall,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC878, Court of Appeals Case No. 14CA2246

Petitioner:

Francis G. Buell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC883, Court of Appeals Case No. 15CA479

Petitioner:

Leroy D. Fresquez,

v.

Respondents:

Executive Director of the Colorado Department of Corrections and Warden of the Sterling Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC884, Arapahoe County District Court Case No. 15CV30825

Petitioner:

Mary Elizabeth Coffman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC895, Court of Appeals Case No. 15CA226

Petitioner:

Aris V. Ashley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC898, Court of Appeals Case No. 14CA1236

Petitioner:

Kenneth Claude Wilson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC899, Court of Appeals Case No. 14CA284

Petitioner:

Eric Jose Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC904, District Court, City and County of Denver, Case No. 16CV288

Petitioner:

Chafiq Belcaid,

v.

Respondent:

Sarah M. Thorpe.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC917, Court of Appeals Case No. 14CA1430

Petitioner:

Chantler Bruce Bahena,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC935, Court of Appeals Case No. 15CA388

Petitioner:

Brian Allen Washington,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
