

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, FEBRUARY 6, 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 6](#)

[Supreme Court Case No. 13SC105](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA35

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Ruben Rosendo Ramos.

Judgment Affirmed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

JUSTICE COATS concurs in the judgment, and **JUSTICE EID** joins in the concurrence in the judgment.

JUSTICE BOATRIGHT dissents.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 7](#)

[Supreme Court Case No. 14SC498](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 11CA1650

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Daniela Molina.

Judgment Affirmed in Part, Reversed in Part

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.

[2017 CO 8](#)

[Supreme Court Case No. 16SA187](#)

Interlocutory Appeal from the District Court
Weld County District Court Case No. 16CR29
Honorable Shannon D. Lyons, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

John Martin Cox, II.

Order Reversed

en banc

JUSTICE EID delivered the Opinion of the Court.

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

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 9](#)

[Supreme Court Case No. 11SC878](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 07CA882

Petitioner:

Julio Venalongo, a/k/a Melvin Manzanara(z),

v.

Respondent:

The People of the State of Colorado.

Judgment Reversed

en banc

JUSTICE BOATRIGHT delivered the Opinion of the Court.

JUSTICE COATS concurs in the judgment, and **JUSTICE EID** joins in the concurrence in the judgment.

JUSTICE HOOD does not participate.

[2017 CO 10](#)

[Supreme Court Case No. 12SC102](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 08CA1884

Petitioner:

Anthony Edwin Marsh,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE BOATRIGHT announced the judgment of the Court.

JUSTICE COATS concurs in part and concurs in the judgment, and **JUSTICE EID** joins in the concurrence in part and concurrence in the judgment.

JUSTICE EID concurs in part and concurs in the judgment in part.

JUSTICE GABRIEL concurs in part and dissents in part, and **JUSTICE MÁRQUEZ** joins in the concurrence in part and dissent in part.

JUSTICE HOOD does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

ORIGINAL PROCEEDING PURSUANT TO C.A.R.21

No. 17SA17, In Re People v. Guzman-Rincon
Arapahoe County District Court Case No. 10CR2839
Order to Show Cause issued on January 31, 2017

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC88, Court of Appeals Case No. 13CA1164

Petitioner:

Jeremy Keith Sharrow,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals erred in concluding that, in the circumstances of this case, the trial court did not need to find that the petitioner had the financial ability to comply with the obligations of his probation before revoking probation.

[ADDITIONAL ISSUE] If so, whether the trial court applied the correct standard to find that the petitioner has the ability to pay.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC661, Court of Appeals Case No. 14CA1954

Petitioner:

The People of the State of Colorado,

v.

Respondent:

John Arthur Stellabotte.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in holding that an amendment to a statute that does not specify whether it applies prospectively or retroactively applies retroactively to cases that are pending when the amendment was enacted.

No. 16SC744, Court of Appeals Case No. 14CA2359

Petitioner:

The People of the State of Colorado,

v.

Respondent:

James Edward Patton.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in holding that an amendment to a statute that does not specify whether it applies prospectively or retroactively applies retroactively to cases that are pending when the amendment was enacted.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC141, Court of Appeals Case No. 12CA1339

Petitioner:

Cory James Komar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC177, Arapahoe County District Court Case No. 14CV32808

Petitioner:

Juan Hinojos Acosta,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ would grant as to the following issue:

Whether dismissal is the appropriate sanction for an officer's failure to obtain a blood sample pursuant to Colorado's Express Consent Statute, section 42-4-1301.1, C.R.S. (2016), when a driver is unconscious and hospitalized following an accident.

No. 16SC434, Court of Appeals Case No. 13CA2277

Petitioner:

Dominique Goins,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC474, Court of Appeals Case No. 12CA2137

Petitioner:

DuJuan Ulysses Flowers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC660, Arapahoe County District Court Case No. 15CV31839

Petitioner:

Vaughan Newman,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC669, Court of Appeals Case No. 14CA558

Petitioner:

Julio Francisco Vazquez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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

Whether the defendant's statements should have been suppressed, and the introduction of his statements and omissions was reversible error.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC714, Court of Appeals Case No. 13CA1556

Petitioner:

Daniel Wayne Marvel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC755, Court of Appeals Case No. 15CA967

In re the Marriage of

Petitioner:

Brian Wick,

and

Respondent:

Trina Louise Robino.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC813, Court of Appeals Case No. 14CA401

Petitioner:

Michelle Ann Hebert,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 16SC826, Court of Appeals Case No. 16CA1492

In re the Marriage of

Petitioner:

Barbara Runge,

and

Respondent:

David Allen Runge.

Petition for Writ of Certiorari pursuant to C.A.R. 50 DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC870, Court of Appeals Case No. 14CA826

Petitioner:

Michael Anthony Martin Smith,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ and JUSTICE HOOD would grant as to the following issues:

Whether the court of appeals applied an erroneous standard of review when it determined that the trial court's conclusion that the defendant "promoted a relationship" as contemplated by section 18-3-414.5(1)(a)(I)-(III), C.R.S. (2016), was merely a finding of historical fact subject to deferential review, rather than de novo review.

Whether the court of appeals erred when it determined that the trial court properly concluded that the defendant "promoted a relationship" with the named victim primarily for the purpose of sexual victimization.

No. 16SC995, Court of Appeals Case No. 16CA447

Petitioner:

W.K.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: Je.K., Ja.K. and Ju.K.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC14, Court of Appeals Case No. 16CA642

Petitioner:

K.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children: L.C. and M.C.

Petition for Writ of Certiorari DENIED. EN BANC.