

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, MAY 30, 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 55](#)

[Supreme Court Case No. 16SC444](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 15CA1210

Petitioner:

Victor England,

v.

Respondents:

Amerigas Propane and Indemnity Insurance Company of North America.

Judgement Reversed

en banc

CHIEF JUSTICE RICE delivered the Opinion of the Court.
JUSTICE HOOD and **JUSTICE GABRIEL** do not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2017 CO 56](#)

[Supreme Court Case No. 14SC820](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA1987

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Kalani Opana.

Judgment Reversed

en banc

JUSTICE COATS delivered the Opinion of the Court.

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

[2017 CO 57](#)

[Supreme Court Case No. 17SA6](#)

Original Proceeding Pursuant to § 1-40-107(2), C.R.S. (2016)
Appeal from the Ballot Title Setting Board

In the Matter of the Title, Ballot Title and Submission Clause for 2017–2018 #4

Petitioners:

Scott E. Smith and D. Michael Kopp,

v.

Respondents:

Daniel Hayes and Julianne Page,

and

Title Board:

Suzanne Staiert, Sharon Eubanks, and Glenn Roper.

Title Board Action Affirmed

en banc

JUSTICE EID delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

NONE

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 16SC158, Court of Appeals Case No. 12CA1489

Petitioner:

The People of the State of Colorado,
v.

Respondent:

Simon Kubuugu.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in concluding that testimony regarding the respondent's alcohol consumption was expert testimony, which could not be elicited under the guise of lay testimony.

DENIED AS TO ALL OTHER ISSUES.

No. 16SC676, Court of Appeals Case No. 14CA1131

Petitioner/Cross-Respondent:

Estate of Daniel Brookoff, M.D.,
v.

Respondent/Cross-Petitioner:

Alexander Clark.

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

Whether the court of appeals erred in holding that Colorado's Dead Man's Statute, section 13-90-102, C.R.S. (2016), which applies in "any civil action," in fact applies only in cases involving the potential diminishment of an estate.

Whether the court of appeals erred in holding that the Dead Man's Statute does not apply where insurance coverage may be available to satisfy a potential judgment.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 16SC851, Court of Appeals Case No. 15CA1572

Petitioner:

The City and County of Denver,

v.

Respondent:

Sean Dennis, as Conservator and on behalf of Doreen Heyboer.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred by holding as a matter of law that a municipality's failure to maintain a public road in its "same state of repair or efficiency as initially constructed" constitutes an "unreasonable risk to the health or safety of the public" pursuant to the definition of a "dangerous condition" set forth in section 24-10-103(1.3), C.R.S. (2016), of the Colorado Governmental Immunity Act ("CGIA").

Whether the court of appeals' holding that a public road constitutes an "unreasonable risk to the health or safety of the public" simply because it is not in the same state of repair or efficiency as initially constructed improperly removes respondent's burden of proving the unreasonable risk and causation elements contained within the definition of a "dangerous condition" under the CGIA.

Whether the court of appeals erred by failing to require respondent to prove that the alleged state of disrepair of the road, itself, constituted a dangerous condition that physically interfered with the movement of traffic pursuant to section 24-10-106(1)(d)(I), C.R.S. (2016).

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

DENIED PETITIONS FOR WRIT OF CERTIORARI

Case No. 16SC630, Court of Appeals Case No. 13CA1068

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Aaron Jason Dotson.

Petition for Writ of Certiorari DENIED. EN BANC.

Case No. 16SC748, Court of Appeals Case No. 14CA871

Petitioner:

Deandre Eugene Winston-Whitfield,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 16SC891, Court of Appeals Case No. 16CA1034

Petitioner:

Western Logistics, Inc., d/b/a Diligent Delivery Systems,

v.

Respondents:

Industrial Claim Appeals Office of the State of Colorado and Gilbert J. Pacheco.

Petition for Writ of Certiorari DENIED. EN BANC.

Case No. 16SC902, Court of Appeals Case No. 13CA1733

Petitioner:

Maria Guadalupe Flores-Lozano,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
